

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALEX GOLDFARB, : Civil Action No.  
  
Plaintiff, :  
  
v. : COMPLAINT  
  
CHANNEL ONE RUSSIA AND RT AMERICA, : **Jury Trial Demanded**  
  
Defendants. :  
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Plaintiff Alex Goldfarb, by and through his attorneys, Rottenberg Lipman Rich, P.C., for his complaint, alleges as follows:

**NATURE OF THE ACTION**

1. Dr. Alex Goldfarb was an associate and a close friend of Alexander Litvinenko, a Russian dissident who was murdered in London by Russian agents in 2006. Dr. Goldfarb brings this action because he is a victim of malicious defamation by defendants, who have falsely accused him of murdering his friend Alexander Litvinenko and his own wife, as well as being an agent of the United States Central Intelligence Agency (“CIA”).

2. On November 23, 2006, Litvinenko, a former officer of the Russian Federal Security Service (“FSB”) who had been living in London, died of poisoning with the radioactive element Polonium-210. On his deathbed, Litvinenko accused Russian President Vladimir Putin of ordering his murder.

3. In 2007, British authorities demanded that Russia extradite Andrey Lugovoy on charges of murdering Litvinenko. In 2011, those authorities issued an international arrest warrant for a second suspect, Dmitry Kovtun. On information and belief, both men are presently in Russia.

4. For six years after Litvinenko's death, his father Walter Litvinenko ("Walter") was outspoken in repeatedly and publicly blaming President Putin for his son's murder. However, in 2012 Walter denounced his late son as a traitor and asked for Putin's forgiveness and permission to return to Russia. Walter named Dr. Goldfarb and another Russian exile, Boris Berezovsky, as his son's murderers.

5. In 2015-2016, Sir Robert Owen, a British High Court judge, conducted a comprehensive judicial inquiry into Litvinenko's death (the "UK Inquiry"). Sir Robert found beyond a reasonable doubt that Lugovoy and Kovtun had murdered Litvinenko. He also found a "strong probability" that the murderers acted on behalf of the Russian state, probably on personal instructions from Putin.

6. Litvinenko's murder recently regained international prominence after the poisoning of two Russian nationals, Sergei and Julia Skripal, on March 4, 2018 in Salisbury, England. The British government accused Russia of conducting the Skripal attack and noted the uncanny similarity with the Litvinenko murder.

7. It is in this context that defendants Channel One Russia and RT America embarked on a propaganda offensive aimed to absolve Lugovoy, Kovtun and the Russian state of responsibility for Litvinenko's death. Defendants broadcast programs falsely accusing Dr. Goldfarb of murdering Litvinenko, as well as his own wife because she "knew too much" about Litvinenko's murder, and promoted a fictitious narrative attempting to discredit the findings of the UK Inquiry.

8. These falsehoods were published by Defendants, who repeatedly broadcast false statements by Walter, Lugovoy, and Kovtun, as well as Defendants' contributors, reporters and presenters, all of whom knew that their statements were false.

9. As demonstrated below, Defendant Channel One Russia is liable to Dr. Goldfarb because on March 20, 2018, March 30, 2018, April 4, 2018, and April 10, 2018, Channel One broadcasted programs which were seen across the world, including in New York, falsely accusing Dr. Goldfarb of murdering both Alexander Litvinenko and Dr. Goldfarb's wife. For the same reasons, Defendant RT America is liable for its broadcast of April 1, 2018. Defendants published the statements at issue with actual knowledge that they were false; at a minimum, they acted with reckless disregard of the falsity of those statements. The false statements published by Defendants accusing Dr. Goldfarb of murder constitute libel on its face, and have caused him significant actual damages.

10. Dr. Goldfarb brings this action to hold Channel One Russia and RT America accountable for the substantial damages he has suffered, and will continue to suffer, as a result of Defendants' malicious and reckless conduct, and to deter the dissemination of false narratives fabricated by master propagandists deceitfully posing as journalists.

### **PARTIES**

11. Plaintiff Alex Goldfarb, a.k.a. Alexander Goldfarb, is a distinguished microbiologist who received a Ph.D. from the Weizmann Institute in Israel and was a professor of microbiology at Columbia University and Public Health Research Institute in New York from 1982 to 2006. He is also a noted human rights activist who has worked with, among others, Andrei Sakharov. Dr. Goldfarb is a citizen and resident of the State of New Jersey.

12. Defendant Channel One Russia ("Channel One"), on information and belief, is a Joint-Stock Company formed under the laws of the Russian Federation with its principal place of business in Moscow, Russia. According to its website, Channel One is "the most widely distributed Russian-language channel ... reaching over 250 million TV viewers around the world."

13. Defendant RT America, a.k.a. ANO TV-Novosti (“RT”), on information and belief, is an autonomous nonprofit organization formed under the laws of Russian Federation with its principal place of business in Moscow, Russia. According to its web site, “RT has a total weekly audience of 100 million viewers in 47 of the 100+ countries where RT broadcasts.”

### **JURISDICTION**

14. Subject matter jurisdiction is proper in this Court under 28 U.S.C § 1332 (a) (2) because the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, and is between a citizen of a State and citizens of a foreign state.

15. This Court has personal jurisdiction over Defendant Channel One pursuant to New York Civil Practice Law and Rules (“CPLR”) § 301. Defendant Channel One transacts significant business within the State of New York. Its Russian-language programs are streamed to tens of thousands of paid cable, satellite and IPTV subscribers in New York through major distributors, including Spectrum, DirecTV, Optimum and Xfinity. Channel One maintains an office at 250 West 57th Street, Suite 429, New York, NY 10107. Upon information and belief, Channel One’s exclusive advertising sales representative in New York is “Atmosphere - Channel One Russia” at 133 West 25th Street, Suite 3W, New York, NY 10001.

16. This Court has personal jurisdiction over Defendant RT pursuant to New York CPLR § 301. RT transacts significant business within the State of New York. Upon information and belief, RT distributes English language programming to tens of thousands of paid subscribers in New York through Spectrum. Upon information and belief, RT maintains a studio in New York City and employs a permanent New York correspondent.

### **VENUE**

17. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b) (1) because both Defendants are residents of the State in which this judicial district is located, and

pursuant to 28 U.S.C. § 1391(b) (2) because a substantial part of the events giving rise to the claim occurred in this judicial district.

### **THE FACTS**

#### **Alexander Litvinenko - A Whistleblower**

18. Alexander Litvinenko was an officer in the anti-organized crime division of the FSB. In 1998, he led a group of FSB members in a press conference during which they disclosed corruption and criminality among top FSB officials. Shortly thereafter, FSB arrested Litvinenko on sham charges of official misconduct. In late 1999, after he was in jail for about a year, he was released pending trial.

19. Boris Berezovsky was then a wealthy entrepreneur with interests in oil, transportation and the media, including a major stake in ORT-TV, the predecessor of Channel One. He was also an advisor to President Boris Yeltsin, a deputy in the Russian Parliament, known as the Duma, and held other official positions.

20. Plaintiff Dr. Goldfarb was then a professor of microbiology in New York and an advisor to the philanthropist George Soros. During the 1990s, Dr. Goldfarb spent much of his time in Moscow directing various Soros projects. During this time, he met and befriended Mr. Berezovsky and Mr. Litvinenko.

21. Andrey Lugovoy, a former KGB officer, was Head of Security of ORT-TV and oversaw Berezovsky's personal security.

22. In September 1999 a series of mysterious explosions in apartment buildings killed more than 300 people in Moscow and other Russian cities. Mr. Putin, then Prime Minister and the former head of FSB, blamed the bombings on Chechen separatists. Putin ordered the Russian army to invade Chechnya. His forceful response to the bombings helped him win presidential elections in March 2000.

23. Within weeks of his inauguration, Mr. Putin moved to put Russia's broadcast media under state control. In October 2000 he pressured Berezovsky to surrender control of ORT to Kremlin-friendly oligarchs and threatened to imprison him if he did not comply. Fearing arrest, Berezovsky fled to London.

24. Putin's election emboldened the FSB to take revenge on its detractors. Litvinenko decided to flee. His escape was organized by Berezovsky and Dr. Goldfarb. On November 1, 2000 Litvinenko, his wife Marina and their six-year-old son Anatoly, accompanied by Dr. Goldfarb, arrived in London and sought asylum.

**Litvinenko's life and death in London (2001-2006)**

25. Litvinenko was granted asylum in May 2001. During 2002-2003 he wrote two books: "Blowing Up Russia," which accused the FSB of staging the 1999 apartment bombings in order to provoke the Chechen war and help Putin win the presidency, and "Lubyanka Criminal Group," which described corruption in the FSB.

26. Berezovsky was granted asylum in the United Kingdom ("UK") in September 2003. The Russian Federation requested his extradition from UK on charges of economic crimes (2003) and plotting to overthrow Putin (2006). Both requests were rejected.

27. In March 2003, Vladimir Terluk, an asylum seeker in London from Kazakhstan, told Litvinenko and Dr. Goldfarb that he was an FSB agent assigned to carry out reconnaissance for an assassination of Berezovsky using a poisoned pen. Terluk offered to "flip" in exchange for money and help in obtaining asylum. Dr. Goldfarb and Litvinenko rejected Terluk's overture and reported him to the London police.

28. In 2003, Litvinenko began working as a consultant for British security and business intelligence companies. M16, the British Secret Service, hired him as a consultant on

Russian organized crime. Litvinenko was assigned to assist Spanish law enforcement in the investigation of the Russian mafia in Spain.

29. During this work, Litvinenko uncovered connections between Russian gangsters and members of Putin's inner circle. Upon information and belief, Litvinenko's discoveries were the immediate motive for his murder by Russian operatives.

30. During this period, Dr. Goldfarb was the CEO of the International Foundation for Civil Liberties ("IFCL"), a New York non-profit corporation funded by Berezovsky. As part of its work exposing wrongdoing by the Putin regime, IFCL provided grants to Litvinenko to fund his two books.

31. Lugovoy started visiting London frequently in the end of 2005. At the time he owned a security company in Moscow. In 2006 Litvinenko and Lugovoy discussed a possible business venture to provide due diligence reports on Russian figures.

32. Litvinenko met with Lugovoy and Kovtun on October 16, 2006 at the office of a company called Erynys. On November 1, 2006 they all met again at the Pine Bar in the London Millennium hotel. That night, while Litvinenko fell ill with what would later be shown to be Polonium poisoning, Lugovoy and Kovtun returned to Moscow.

33. Dr. Goldfarb arrived in London from New York on November 13, 2006. Litvinenko's father Walter arrived in London from Moscow on November 20, 2006.

34. Only a few people were permitted to see Mr. Litvinenko in the hospital, among them Ms. Litvinenko, Dr. Goldfarb, Berezovsky, Walter and a family friend, the exiled Chechen politician Akhmed Zakayev. The London police interviewed Litvinenko at his hospital bed.

35. Mr. Litvinenko died on the evening of November 23, 2006 without knowing what had poisoned him. Later that night, the London police identified Polonium-210.

36. Two days before his death, Litvinenko signed a written statement accusing Putin of ordering his poisoning. On the morning after his death, Dr. Goldfarb, with Walter standing next to him, read that statement to the press in front of the hospital.

#### **Lugovoy and Kovtun Suspected of Murder**

37. On May 28, 2007, U.K. officials asked Russia to extradite Lugovoy to stand trial for Litvinenko's murder. Russia denied the request. In December 2007, Lugovoy was elected to the Duma. In March 2015, Putin awarded Lugovoy a medal "For Services to the Fatherland, Second Degree."

38. In May 2007, Dr. Goldfarb and Marina Litvinenko published a book entitled "Death of a Dissident. The Poisoning of Alexander Litvinenko and the Return of the KGB." The book advanced the theory that Lugovoy and Kovtun poisoned Litvinenko on Putin's orders. The conclusions in the book were based on inference because hard evidence was not then available, since at that time the London police file was sealed.

39. In 2011, British authorities named Kovtun as a second suspect in Litvinenko's murder and issued an international warrant for his arrest. Upon information and belief, Kovtun is presently a general director of a company in Moscow.

#### **The False Narrative Emerges**

40. On April 1, 2007, the Russian Television and Radio Broadcasting Company ("RTR," a state-controlled company not related to Defendants) broadcast an interview with Terluk. According to Terluk, in March 2003 Litvinenko and Dr. Goldfarb induced him to make a false statement to the London police about a plot to kill Berezovsky with a poisoned pen. That supposedly false statement, RTR claimed, became the basis for Berezovsky receiving asylum in the UK. RTR's presenter further hypothesized that three years later Berezovsky had Litvinenko killed because he feared that Litvinenko might reveal the supposed asylum fraud.



41. Berezovsky sued RTR and Terluk for defamation in a UK court. On March 10, 2010, Mr. Justice Eady concluded (EXHIBIT 1) that there was no evidence that Berezovsky had any part in Litvinenko's murder, and that Terluk's central allegation, *i.e.*, that a false statement was procured from Terluk in order for Berezovsky to obtain asylum and avoid extradition, was false. Berezovsky was awarded defamation damages.

42. Despite the judgement in *Berezovsky vs. Terluk*, the false narrative that Berezovsky had Litvinenko killed in order to silence him continues to be advanced by Russian propagandists.

### **The About-face of Walter**

43. In 2008, Litvinenko's father Walter moved from Russia to Italy where Litvinenko's half-brother Maxim lived. The family put all their savings into Maxim's failing restaurant. By the end of 2009, the restaurant went into bankruptcy. At Walter's request Berezovsky arranged through Dr. Goldfarb to send him \$60,000. Walter asked Berezovsky for more money but was turned down.

44. In 2011, Walter's wife died. At age 72, Walter was living alone and in poverty in Senigallia, Italy.

45. For six years after Litvinenko's death, Walter was outspoken in blaming Putin for his son's murder. For example, on November 22, 2007 in an interview with *The Guardian* he said:

As a reward, the chief executioner of my son, Mr. Lugovoy, has now been given a seat in the Duma. The main executioner, Mr. Putin, is afraid to leave his position, as he wants to maintain his power in order to cover up this crime.

Similarly, on January 27, 2012 he wrote in his blog:

Russia presently is a bigger evil than in the old days... I warn anyone who is going to cast a vote for Putin: your vote will make you and your family hostages. If you don't care about yourself at least think of your children.

46. However, five days later, Walter abruptly changed his position. According to Channel One, their reporters rushed to Senigallia, Italy after receiving a *mea culpa* letter from Walter.

47. On February 2, 2012 Channel One and RT broadcast sensational interviews with Walter, who called his son "a traitor" and asked Putin for forgiveness and permission to return to Russia. Channel One correspondent Anton Vernitsky expressed serious doubts about Walter's sincerity:

One cannot be at all sure that Walter Litvinenko wouldn't instantly change his view if someone in the West would all of a sudden help him.

48. In an interview on RT on May 31, 2012 Walter named Berezovsky and Dr. Goldfarb as his son's killers. Upon information and belief, this was the first time Walter publicly named Dr. Goldfarb (along with Mr. Berezovsky) as his son's murderer:

**Sara Firth, RT Reporter** Further twists in the story surrounding the poisoning and murder of former security official Alexander Litvinenko. Litvinenko's father Walter has revealed in an interview the names of the people he says are the killers of his son. The people he names are the Russian billionaire Boris Berezovsky and Alex Goldfarb and these were both former colleagues and friends of Alexander Litvinenko.

**Walter** It was Berezovsky and Goldfarb. That's it. Goldfarb knows all about atomic energy. How do you think Alexander first became infected with Polonium-210? Why do you think this case has been dragging on for so long? Why has there's been no court case? Because they don't have anything, and if a real court case were to open, it will become apparent who was behind it!

49. Two years later, Sara Firth resigned from RT. She told CNN's Don Lemon that instead of honest reporting RT was "pushing a narrative."

50. As of May 31, 2012, the Litvinenko police file was still sealed.

51. Upon information and belief, Walter returned to Moscow in 2013. In a Russian newspaper interview he said:

After I repented, they forgave me... People came to talk... Now I am in Moscow, happy. They gave me the apartment. I can live here as long as I wish, but it belongs to the agency...

**The Official British Probe: Inquest to Public Inquiry (2012-2014)**

52. A coroner's inquest into Litvinenko's death, as required by UK law, was launched on August 7, 2012 with the appointment of Sir Robert Owen, a High Court judge.

53. Lugovoy, among others, was designated "an interested party" and was represented by counsel. However, on March 13, 2013, Lugovoy withdrew from the probe. Upon information and belief, he withdrew immediately after his lawyers reviewed the evidence against him in the London police file.

54. On December 12, 2012, after reviewing *in camera* secret documents from UK government agencies, Sir Robert found evidence of a "prima facie case" that Litvinenko had been murdered on behalf of the Russian state. The UK Government obtained a court order preventing disclosure of those documents in open court.

55. On June 5, 2013, Sir Robert asked the government to set up a "Public Inquiry" instead of an inquest, which would allow him to take the secret evidence into consideration. On July 22, 2014, then-Home Secretary Theresa May announced that an Inquiry into Litvinenko's death would be held. Sir Robert was appointed Chairman.

56. On March 23, 2013, Berezovsky was found dead. While the police found his death to be suicide, the coroner was unable to rule out a foul play and entered an open verdict.

**UK Inquiry (2015-2016)**

57. Public Inquiries are established by the UK government, under the Inquiries Act 2005, to conduct independent and impartial investigations of events of public concern. The factual findings in public inquiries may be used in criminal or civil proceedings.

58. The Litvinenko Public Inquiry opened in London on July 31, 2014. Open hearings at the Royal Courts of Justice were held for 34 days in January, February, March and July of 2015, and the police evidence was publicly disclosed for the first time. The transcripts of the hearings and the evidence in the case are available online.<sup>1</sup> There were also several days of closed hearings.

59. Sir Robert presented The Inquiry Report<sup>2</sup> (the “Report”) to the Parliament and released it to the public on January 21, 2016.

60. Sir Robert noted that neither Lugovoy nor Kovtun participated in the Inquiry:

**2.17** Andrey Lugovoy and Dmitri Kovtun, both of whom are wanted by the British authorities for the murder of Mr. Litvinenko, declined my invitation to give evidence to the Inquiry...

**2.19** ...I should emphasize that, in the end, the fact that Mr. Lugovoy and Mr. Kovtun did not give oral evidence does not undermine the findings that I have made about their involvement in Mr. Litvinenko’s death. The findings are clear. I am entirely confident in making them.

61. Sir Robert then explained the standards of proof he applied:

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<sup>1</sup>: <http://webarchive.nationalarchives.gov.uk/20160613090328/https://www.litvinenkoinquiry.org/hearings>

<sup>2</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/493855/The-Litvinenko-Inquiry-H-C-695.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/493855/The-Litvinenko-Inquiry-H-C-695.pdf)

**2.20** ...where in this Report I state that 'I am sure' I will have found a fact to the criminal standard. When I use such expressions as 'I find' or 'I am satisfied' the standard of proof will have been the ordinary civil standard of proof, namely the balance of probabilities.

62. Two of Walter's statements were admitted as evidence.<sup>3</sup> The first statement was to the London police, signed on November 30, 2006, a week after his son's death. This excerpt was read in court:

When I was visiting Sasha in hospital, he was still in his right mind and consciousness until the very end i.e. until they linked him to the controlled artificial intra-tracheal respiration, he was able to talk meaningfully. He was struggling to talk but he accused President Putin of his death, 'Daddy, Putin has poisoned me'. He said that he was a very important witness of the crimes committed by Putin and [then FSB Director Nikolai] Patrushev. He said that the international community would sooner or later put Putin before court for his crimes.... He said that Putin was a man with perverted mind, a very dangerous man because he was holding power. 'You, Daddy, be careful'.

63. The second statement was signed on September 18, 2012 in Ancona, Italy, shortly before Walter returned to Russia. This excerpt was read in court:

I intend to inform, as I added as conclusion, from what I have seen personally, from what Alexander had told me before his death, from what I have learned from other people, and based on my personal investigations, that what had happened to Alexander in London, it was a result of Berezovsky's activity. It was him who didn't want Alexander, after coming back to Russia, to be able to tell something about what he had done and about his business in London. I believe that Polonium was used just to mislead everyone and that it was skillfully placed everywhere where Lugovoy had been present. I also want to specify that Goldfarb,

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<sup>3</sup> <https://www.litvinenkoinquiry.org/hearings>. See Walter's statements attached to proceedings on Day 26 (17 March 2015)

partner of Berezovsky, is technical specialist in the field of nuclear production... Besides, I would like to add that I have been invited to a certain press conference in London. During the press conference, Goldfarb broke me off by the elbow when I was saying that my son had defended with his heart London from Polonium. To my opinion, Berezovsky and Goldfarb found this phrase premature. After the press conference I saw a wife of Alex Goldfarb crying on the couch. Perhaps she had drunk a little but she said the following embracing me: 'Poor Walter, poor Walter. Alex killed Alexander.' [There is a note that the phrase was in English.] I clarify that Goldfarb's name is Alex. A month later this woman died. I studied English but I don't speak it. I understood the meaning of this phrase just afterwards as I was very suffering of my son's death during that period.

64. Upon information and belief, this was the first time Walter named the late Mrs. Alex Goldfarb as his source and insinuated that her death might be connected with her alleged revelation to him. In truth, Dr. Goldfarb's wife Svetlana died of cancer at the age of 55 in April 2010, three and half years after Litvinenko's death.

65. In the UK Inquiry, Dr. Goldfarb testified that Walter's statements were patently untrue, and attributed them to Walter's despair due to his dire financial situation and the loss of his wife.<sup>4</sup>

66. Sir Robert did not find Walter's November 18, 2012 statement to be credible.

67. A large body of evidence regarding Lugovoy and Kovtun was summarized in the UK Inquiry Report, including:

(a) quantitative scientific analyses of the Polonium trail the two men left behind, including their hotel rooms, offices, toilets, restaurants, planes, etc. This data was matched against the men's travel, movements and meetings. The pattern of Polonium contamination was only consistent with Mr. Lugovoy and Mr. Kovtun

<sup>4</sup> <https://www.litvinenkoinquiry.org/hearings>. See Dr Goldfarb's testimony on Day 26 (17 March 2015)

having brought Polonium to London three times on their three visits between 16 October and 1 November 2006, and having made two attempts to poison Mr.

Litvinenko, on 16 October at Eryn timer and 1 November 2006 at Pine Bar; and

(b) the testimony of a witness who said that two days before the second attack on Mr. Litvinenko, Kovtun told him he was on a mission to poison a traitor “with a very expensive poison”.

68. Sir Robert concluded that Lugovoy and Kovtun were the murderers:

**8.60** I have found that Mr. Litvinenko ingested the fatal dose of polonium 210 when he drank tea in the Pine Bar on 1 November 2006. I have also found that he did not put the polonium 210 into the teapot himself – either by accident, or as a deliberate means of committing suicide.

**8.65** I am sure that Mr. Lugovoy and Mr. Kovtun placed the polonium 210 in the teapot at the Pine Bar on 1 November 2006.

**8.66** I am sure that they did this with the intention of poisoning Mr. Litvinenko.

**8.67** I am sure that the two men had made an earlier attempt to poison Mr. Litvinenko, also using polonium 210, at the Eryn timer meeting on 16 October 2006.

**8.68** I am sure that Mr. Lugovoy and Mr. Kovtun knew that they were using a deadly poison (as opposed to, for example, a ‘truth drug’ or a sleeping draught), and that they intended to kill Mr. Litvinenko.

69. Sir Robert specifically rejected the theory advanced by Lugovoy (and echoed by Walter) that someone had deliberately placed Polonium 210 in the footsteps of Lugovoy and Kovtun to set them up.

**8.161** It has been a frequent theme of Mr. Lugovoy's press interviews over the years that he has been the victim of a set up. He has stated that MI6, or perhaps some other British agency, must have killed Mr. Litvinenko and then spread a trail of polonium in order to incriminate him and Mr. Kovtun.

**8.164** I will simply say that in all the oral evidence that I have heard during this process, in all the many thousands of pages of documents that I have seen, I have not come across anything that would even begin to substantiate the claims of a set up made by Mr. Lugovoy. On the other hand, I have seen plentiful evidence that is wholly inconsistent with Mr. Lugovoy's claims. That evidence, much of which I have attempted to summarize above, clearly establishes that, far from being set up, Mr. Lugovoy did in fact, with Mr. Kovtun, poison Mr. Litvinenko.

70. Sir Robert also rejected the notion that Berezovsky had any role in Litvinenko's death:

**9.16** ... I am quite satisfied that Mr. Berezovsky bore no responsibility for Mr. Litvinenko's death.

71. In addition to the evidence reviewed in open court and made public, Sir Robert considered closed materials concerning two specific issues:

**7.9** ... Those issues will include the question of whether Alexander Litvinenko had any sort of relationship with British security and intelligence agencies, and if so the nature and extent of that relationship. The issues will also include the question of whether the Russian State was responsible for Mr. Litvinenko's death.

72. Concerning the Russian State's responsibility, Sir Robert found:

**9.215** Taking full account of all the evidence and analysis available to me, I find that the FSB operation to kill Mr. Litvinenko was probably approved by Mr. Patrushev and also by President Putin.



73. In summary, the relevant conclusions of the UK Inquiry include:

- Beyond a reasonable doubt, Lugovoy and Kovtun poisoned Litvinenko. All the evidence on that issue was presented in open court, and there was no closed evidence;
- Alternative theories, including the alleged role of Berezovsky and the claim that Lugovoy and Kovtun had been “set-up” were rejected for total lack of evidence;
- Walter’s allegations against Dr. Goldfarb were heard in open court and rejected; and
- The only closed evidence related to Litvinenko’s work for MI6 and the Russian State’s responsibility. There was no closed evidence concerning the responsibility of Lugovoy and Kovtun for Litvinenko’s murder.

**False Coverage of the UK Inquiry Report by Defendants: Pushing a Narrative**

74. Both Channel One and RT were fully aware of the contents and conclusions of Sir Robert’s Report. Channel One’s news program on January 21, 2016<sup>5</sup> showed a recording of Sir Robert reading his conclusions (see transcript below). The RT news report on the same day<sup>6</sup> showed RT reporter Anastasia Churkina standing in a London street holding a copy of the Report, from which she directly quoted (see transcript below).

75. Despite their knowledge of Sir Robert’s findings, both Defendants have advanced a fictitious narrative aimed at discrediting the UK Inquiry. Although Defendants knew that it was not true, they claimed that all evidence in the case had been kept secret. Another deliberate

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<sup>5</sup> [https://www.ltv.ru/news/2016-01-21/3001-v\\_londone\\_zavershilos\\_tak\\_nazyvaemoe\\_publichnoe\\_rassledovanie\\_dela\\_aleksandra\\_litvinenko](https://www.ltv.ru/news/2016-01-21/3001-v_londone_zavershilos_tak_nazyvaemoe_publichnoe_rassledovanie_dela_aleksandra_litvinenko)  
<sup>6</sup> <https://www.rt.com/news/329651-uk-report-litvinenko-putin/>

falsehood was that the conclusions of the Report were simply opinions; in fact, the role of Mr. Lugovoy and Mr. Kovtun had been judicially established beyond a reasonable doubt as a fact.

76. Channel One's attempt to discredit the Report is illustrated by the English transcript of the January 21, 2016 Channel One newscast followed by the comments from Mr. Lugovoy:

**Narrator [recorded film]** The so-called Public Inquiry into the Alexander Litvinenko case has been concluded. As many expected, the commission adopted the point of view, which was repeatedly voiced by the British authorities. In the death of a former officer of the Russian special services turned agent of MI6, two Russians were accused: Andrei Lugovoy and Dmitry Kovtun. The authors of the report admitted that the two had not been questioned: Lugovoy and Kovtun did not come to London because they would be immediately arrested. Naturally, Boris Berezovsky also was not interrogated - this key witness died in Britain in 2013 under strange circumstances. Nor the Russian origin of polonium that poisoned Litvinenko has been proven. In general, the report contains a lot of words "possibly" and "probably", which did not prevent the judge from accusing the top Russian leadership, again with the "maybe" clause.

**Sir Robert [voiceover translation into Russian]** "I am sure that Messrs. Lugovoy and Kovtun have placed polonium-210 in the teapot in the Pine bar on November 1, 2006. I am also sure that they did this aiming to poison Mr. Litvinenko. They acted on the direction of other people, [possibly on the instructions of the FSB.]"

**Narrator [recorded film]** One of the London accused, Andrei Lugovoy, views the judge's decision as evidence that the British do not want to establish the true cause of Litvinenko's death.

**Andrey Lugovoy [voiceover written statement]** For London, the "polonium scandal" has become a convenient way to achieve a political objective, which I knew from the very beginning. The events of 2014 in Ukraine, the subsequent anti-Russian hysteria and concomitant resumption of the Litvinenko inquiry, in spite of the previously classified data, to me personally look like a miserable attempt by London to use the "skeleton in the closet" to pursue its political ambitions.

**Narrator [recorded film]** There are really a lot of questions to the British Justice. The inquiry, which has been called "public", and even

“open”, was not in fact such. It was held in closed hearings. The materials of the investigation, the identities of the witnesses - often even their testimony - were kept secret. The judge made his decisions based on the data of intelligence services without disclosing them - obviously, in Britain they are not ready to make public the role of their own intelligence in the "Litvinenko case".

77. The report from the London RT correspondent on January 21, 2016 pushed the same false narrative:

**Anastasia Churkina** Well, Emily, this is certainly a result that has been years in the making because of course we know that this report was commissioned around the time when tensions started escalating between Russia and the West over the situation in Ukraine. And this is of course something that comes out at a curious time because of the relationship between Russia and some western countries not at exactly a high point to say the least. Now, it's a report that's over 300 pages long and it's certainly raising lots of questions because it does seem to be expressing lots of opinions, views and statements that are highly questionable because of the uncertainty of some of the language that is used in it. To be more specific, let's use a quotation from the final statement of the chairman of this report. He says, quote, "I have concluded that there is a strong probability that when Mr. Lugovoy poisoned Mr. Litvinenko, he did so under the direction of the FSB the Federal Security Service of the Russian Federation. I have further concluded that Mr. Kovtun was also acting under FSB direction possibly indirectly through Mr. Lugovoy but probably in the knowledge that that was the body for which he was acting. I have further concluded that the FSB operation to kill Mr. Litvinenko was probably approved by Mr. Patrushev, then head of the FSB and also by President Putin." So, it's this word "probably" that's raising lots of concerns about the certainty of this report that has been so highly anticipated in the West, but it's certainly seen as the continuation of the blame game that started on day one. Since Litvinenko's poisoning the finger pointing kicked off right away and certainly ten years later we are not really seeing anything new whatsoever!

78. Defendants' own reporting demonstrates that they were aware of the Report's findings, including the conclusion that it was beyond reasonable doubt that Lugovoy and Kovtun

poisoned Mr. Litvinenko. Defendants knowingly distorted, misrepresented and omitted facts to advance their propaganda objective of shifting responsibility for Litvinenko's murder away from Lugovoy and Kovtun, and ultimately from the Russian state and Putin.

**The Skripal Poisoning in 2018-Echoes of the Litvinenko Murder**

79. On March 4, 2018, former Russian military intelligence officer and British spy Sergei Skripal and his daughter Yulia Skripal were poisoned in Salisbury, England. The poison was a nerve agent called Novichok of a type only developed in Russia. British Foreign Secretary Boris Johnson and Prime Minister Theresa May noted the similarity to the Litvinenko case. The Skripal attack resulted in massive expulsions of Russian diplomats from UK and from British allies around the world.

80. Russian officials claimed that the Skripal attack was staged by Western intelligence services. On April 4, 2018, Sergey Naryshkin, director of Russia's Foreign Intelligence Service, called the poisoning "a grotesque provocation crudely concocted by U.S. and British security services."

81. Russian media embarked on a massive propaganda offensive supporting Naryshkin claim. As part of that effort, they revived their false narrative of Litvinenko's death, including the accusations against Dr. Goldfarb and Mr. Berezovsky, the "set-up" theory of a planted Polonium trail, and Terluk's fantasies. Defendants broadcast these falsehoods knowing full well that they had been debunked in the UK Inquiry. The fact that these lies have been revived, repackaged and broadcast years later as part of a well-orchestrated propaganda campaign evidences the Defendants' malice.

**DEFAMATORY STATEMENTS IN MARCH-APRIL 2018**

82. The five original television programs at issue (four of them are in Russian and one, in English) are available on the internet (referenced below in footnotes 6 - 10). They are presented in full or in part as English language transcripts in EXHIBIT 2. The corresponding video clips with English captions are provided on DVD in EXHIBIT 3. The text in the transcripts and video excerpts are time-marked counting from the beginning of each program.

**Program 1 - 3/20/2018 Channel One Program “Let Them Talk”<sup>7</sup>**

83. “Let Them Talk” is Channel One’s flagship talk show. It lasts for about one hour excluding commercials and is broadcast on weekdays just before the nightly news. The March 20, 2018 episode was wholly devoted to the Skripal poisoning. The first 35 minutes of the program had no direct relation to Dr. Goldfarb. However, in EXHIBITS 2 and 3, the program is reproduced in full to illustrate how the defamation of Dr. Goldfarb fit into the general theme of Channel One’s coverage of the Skripal attack.

84. Starting from the time mark 35:45, Lugovoy recited the false narrative about the London Inquiry, namely, that “all materials” were kept secret and all of Sir Robert’s conclusions were “based exclusively on suppositions and guesswork”. Lugovoy set the tone by calling Sir Robert Owen “a clownish ex-judge.” Dmitry Borisov was the presenter. Andrei Karaulov is Channel One contributor.

START: 35:45

**Dmitry Borisov (DB)** In the case of Alexander Litvinenko which has been mentioned here there was a concrete person, Andrey Lugovoy, who has been accused of bringing Polonium. How did that story end?

**Andrey Lugovoy (AL)** The story ended with me and Dmitry Kovtun being accused of the poisoning murder of Litvinenko and at a certain moment Theresa May, she was the UK Home Secretary at the time, decided to classify all case materials saying that public access to these materials

<sup>7</sup> <https://youtu.be/zYUhhkSbuxw>

including lawyers and those involved in the inquiry would undermine national security of Great Britain. At this the case ended. Later in 2016 there appeared, sorry for the expression, a clownish ex-judge who allegedly conducted a public inquiry where all his statements were based exclusively on suppositions and guesswork, where they accuse our state of ordering it and the two of us carrying it out.

END: 36:46

85. Later in the program (time mark 38:25), Borisov welcomed Walter, who warmly greeted Lugovoy, one of the person's determined to be his son's murderer. Walter repeated his false account of his alleged conversation with Dr. Goldfarb's late wife:

START: 42:11

**Walter (WL)** ...after that rally we come in. Goldfarb's wife is sitting there, a young girl sitting on the bed, crying, weeping: "Walter, Walter. Alex killed Alexander". Who knows English they understand what I said. Alex is Goldfarb, she openly told me that Goldfarb killed. "Walter, Walter" - that is me, Walter.

**DB** So you believe an associate of Boris Berezovsky killed your son.

**WL** Goldfarb! While Sasha was at hospital he flew to the USA three times. I come to Akhmed and say "Akhmed what is this?" And Akhmed says "Listen he is CIA". Alex is. That is, he was interested in raising this outcry, all that dirt which they are throwing also today on Putin, they are sitting there rejoicing. That Alex Goldfarb, that same Akhmed saying "Now Putin will never rise back. This is the end of him! We've torn him to pieces!"

**DB** Who said that?

**WL** Alex Goldfarb.

**DB** Alexander Goldfarb.

**Andrei Karaulov (AK)** An incredible account of a man who for three days sat at Litvinenko's deathbed. We heard your monologue.

Absolutely sensational. Would anybody in the world, BBC, CNN, anyone request this tape and show what you said today, your testimony especially you naming Goldfarb, Berezovsky's right hand, who is actually an agent, a member of the American Central Intelligence Agency, and here is your present monologue, which no one except us in Russia, no one in the world wants to hear! (Applause).

END 44:10

86. After a break, Borisov had Walter repeat his false accusations to let them sink in with the viewers.

START: 47:20

**DB** Good evening to everyone again. I am Dmitry Borisov. Today in “Let Them Talk” we discuss the sensation of the recent days in Britain. The poisoning of Sergei Skripal and his daughter. In this context everyone remembers the poisoning of Alexander Litvinenko in Britain. His father Walter Alexandrovich in this studio is sitting next to Andrey Lugovoy who had been named the murderer of Alexander Litvinenko. So, Walter Alexandrovich said he considers CIA complicit in the murder of Alexander Litvinenko and you even said you know who specifically did it?

**WL** Yes Goldfarb. It was his work.

**DB** And you know that it was Alexander Goldfarb, an associate of Boris Berezovsky from what you’ve heard from Alexander’s own wife.

**WL** Yes, the wife. She told me about that. And a month later she herself died suddenly...

**Unidentified guest.** She died suddenly.

**Unidentified guest.** Was she a young woman?

**WL** 28 years old. She was very young. I am so sorry for her.

END 48:19

87. Channel One producers knew of Walter’s public statements in 2012, in which he first uttered these allegations, and that he repeated the same allegations in his testimony to the UK Inquiry. Nevertheless, Channel One presented his old statements as sensational new revelations. This misrepresentation indicates a malicious intent.

88. Indirect evidence also suggests that Walter may have received money for his participation in the program. This is at least true with regard to another participant, Victoria Skripal, Sergei Skripal’s niece:

On July 10, the *BBC*’s Russian-language service published an interview with Victoria, where she produced a copy of an exclusive contract with the Russian state television network *Pervyi Kanal* [Channel One]. Victoria told the *BBC* that she’d been hired to work as an economist for the production company “Direkt,” with a monthly salary of 115,000 rubles (\$1,840), without doing any actual work, except for appearing on *Pervyi*

*Kanal*'s talk shows. The *BBC* captured all these admissions on tape. A source close to Skripal also told the *BBC* that she also received a one-time payment of 1 million rubles (\$16,000).<sup>8</sup>

89. As noted above, Channel One knew that the UK Inquiry had identified, beyond a reasonable doubt, that the killers of Mr. Litvinenko were Mr. Lugovoy and Mr. Kovtun. That they chose to discount those judicial findings testifies to their actual malice in defaming Dr. Goldfarb.

90. Channel One failed to do even the most elementary fact-checking regarding Ms. Goldfarb's death. Had they done so by asking Dr. Goldfarb when they spoke to him before and immediately after the March 20, 2018 program (see the following section), they would have found that:

- Dr. Goldfarb's wife was a native Russian speaker and had no reason to address Walter in English, a language he did not understand;
- she was 51 at the time of Mr. Litvinenko's death and not 28; and
- she died of cancer three and a half years later — not abruptly a month after Mr. Litvinenko's death as claimed by Walter.

#### **Dr. Goldfarb's attempts to rebut the falsities of Channel One**

91. A Channel One producer named Lara called Dr. Goldfarb in New York on March 14, 2018 and invited him to participate in the taping of the March 20, 2018 program via Skype. She informed him that Walter and Lugovoy would be on the program. Dr. Goldfarb agreed to participate. Lara asked Dr. Goldfarb what he intended to say. He replied that he would say that Lugovoy should be in prison for murder and Walter should be ashamed of himself. Two days later, Lara informed Dr. Goldfarb that his participation had been canceled.

<sup>8</sup> <https://meduza.io/en/brief/2018/07/10/the-real-russia-today>



92. The day after the March 20, 2018 program aired, Lara invited Dr. Goldfarb to participate in the next program, which would be recorded on March 23, 2018. Dr. Goldfarb agreed. Lara sent him an agreement form from the production company “Direkt” - the same that payed Victoria Skripal - which he signed and emailed back on the morning of March 23rd.

93. Lara asked Channel One’s New York based associate Anastasia Orlyanskaya to arrange a camera to film Dr. Goldfarb while he spoke on Skype. However, on the morning of March 23, 2018, Lara and Ms. Orlyanskaya informed Dr. Goldfarb that his appearance had been cancelled.

94. On March 22, 2018, Channel One’s Special Correspondent in New York, Zhanna Agalakova, sent Dr. Goldfarb an SMS requesting an interview. He readily agreed, following which she texted him the address of Channel One’s New York studio on 57<sup>th</sup> Street. They met at the studio on March 23, 2018. In a taped interview lasting more than an hour, Dr. Goldfarb gave a detailed rebuttal to Walter’s accusations and to the false background narrative. He stressed that (a) the UK Inquiry Report’s determination that Lugovoy and Kovtun murdered Mr. Litvinenko constitutes a legal finding of fact based on evidence presented in open court, and (b) Walter’s claims are based on an invented and demonstrably false conversation with Dr. Goldfarb’s wife. Ms. Agalakova said she would send the tape to Moscow right away. Nothing from this interview ever appeared on air. Instead, Channel One rebroadcast the same falsehoods in programs on March 30, April 4, and April 10, 2018.

95. Five days before the airing of the last program, a producer of Channel One named Natalia called Dr. Goldfarb and conducted an approximately 15-minute telephone interview. A short segment of this interview was broadcast on the April 10, 2018 program (see below).

**Program 2 - 03/30/18 Channel One Program “Man and Law”<sup>9</sup>**

96. “Man and Law” (“Chelovek i Zakon”) is a popular weekly news analysis program aired in prime time on Fridays. The March 30, 2018 episode devoted approximately twelve minutes to the Skripal case. The English transcript of the relevant section is attached in EXHIBIT 2, and the captioned video, in EXHIBIT 3. Below are two fragments defaming Dr. Goldfarb.

START: 17:55

**Narrator [recorded film]** With all these outrageous accusations they did not even hear in the West - or did not want to hear - a sensational news: the father of fugitive Lt. Colonel of FSB Alexander Litvinenko who in 2006 was poisoned with Polonium, named the murderer of his son.

**Walter [interview]** Lugovoy had nothing to do with it. And Scaramella had nothing to do with it.

**Reporter** And who had?

**Walter** So far I think there is only one who had, Goldfarb personally. Who else?

**Narrator [recorded film]** Alexander Goldfarb, an Israeli and American citizen, the head of Foundation of Civil Liberties founded by Boris Berezovsky, a former associate of George Soros. Who is he really? We combed our archives, met with the main protagonists of the Polonium story and found many threads linking the poisoning of Litvinenko with the Skripal case.

END 18:55

...

START 21:04

**Narrator [recorded film]** Scotland Yard accused Andrey Lugovoy of murdering Litvinenko, allegedly on orders of Russia’s special services, which, they said, decided to eliminate their ex-colleague for collaborating with the English. Litvinenko’s father has his own explanation. Alexander in fact died in his arms, but neither Walter Alexandrovich himself nor those who visited his son in the hospital during the three weeks did not get any radiation. This led the father to think that his son was poisoned already in the hospital.

<sup>9</sup> <https://www.youtube.com/watch?v=DK9m2iaMbLU&feature=youtu.be>

**Walter [interview]** He was vomiting blood; it was clear that he ingested Polonium not more than an hour or two previously. Meaning, it happened in the hospital. I understood it later, by analyzing...

**Reporter** Who visited him in the hospital?

**Walter** Everybody. Goldfarb too.

**Narrator [recorded film]** While the runaway Lt. Colonel was at the hospital Goldfarb flew to US several times. Litvinenko's father is sure that his every step he cleared at the CIA. Walter Alexandrovich is positive: Goldfarb is a CIA agent. Here is why: few people know that shortly before his death Alexander Litvinenko converted to Islam. After he died his father discussed with Akhmed Zakayev, the fugitive Chechen general, the rules of Muslim funeral.

**Walter [interview]** Goldfarb sat there and said "They won't understand this in America." Meaning, they don't like Muslims in America. Sasha had become a Muslim, but we should not advertise it, talk about it too much. I went to Akhmed and asked, "How can this be?" And he said, "What to expect of him? He is CIA. Has been CIA for a long time."

**Narrator [recorded film]** The fugitive Chechen general Zakayev would not speak idly. Another extraordinary situation happened in Alex's home - they called him Alex in London.

**Walter [Studio]** There was a woman weeping, Goldfarb's wife. She was about your age, very pretty. She was sitting there crying, weeping: "Walter, Walter, Alex killed Alexander".

**Reporter** That was Goldfarb's wife?

**Walter** Goldfarb's wife. She died within a month.

**Narrator [recorded film]** She confessed that her husband killed Alexander and herself died a month later at the age of 28. That's strange. By the way, according to some reports Goldfarb had been closely associated with the famous physicist Andrey Sakharov who designed the first Soviet hydrogen bomb. Some sources say Goldfarb was his interpreter, others, his secretary.

**Andrey Lugovoy [studio]** When he lived in the Soviet Union, Goldfarb was professionally involved in nuclear physics. This, of course, makes one think that when the media and others started talking about Polonium-210, this could well have been his idea and probably his practical doing.

**Narrator [recorded film]** So Litvinenko's father's theory is this: Alexander was poisoned by the CIA together with MI-5 and MI-6 in order to discredit Russia. It was done by the hands of Alex Goldfarb. He administered Polonium at the hospital. As for Lugovoy they contaminated

him later with small doses so that he would leave Polonium trail in various places.

END 24:46

**Program 3 - 04/01/18 RT Program “Worlds Apart”.<sup>10</sup>**

97. “Worlds Apart” is the RT flagship interview program broadcast in English. On April 1, 2018 RT aired a studio interview during which Walter repeated many of the defamatory statements he made on Channel One. The first 13 minutes of the program are presented as a transcript in APPENDIX 2, and the captioned video clip in APPENDIX 3. While questioning Walter, host Oksana Boyko revealed that she knew that Dr. Goldfarb’s wife had died of cancer, yet she did not challenge Walter’s lie that she was murdered to keep her silent.

START 05:51

**Oksana Boyko (OB)** I know you personally think that a former friend, Alexander Goldfarb is connected to his death? A shady character?

**Walter (WL)** He is a CIA guy. It’s CIA that’s killed my son.

**OB** What was his motive? Why are you so sure that it was him?

**WL** Motive? I think he would have left like I did. He was as smart as I am. You know, as long as you remain obedient you live; as soon as you rebel you get killed. This is what happened to Berezovsky, this is what happened to this lady who said, ‘Walter, Walter, Alex killed Alexander’.

**OB** You mean, Goldfarb’s wife? She had cancer?

**WL** No, she did not have cancer. So young...woman. They just killed her. Because she knew too much, and she spoke too much. And when she was saying that, they told me she was a drug addict, and now they say she had cancer. They lie all the time.

END 07:07

98. Later in the interview, Ms. Boyko falsely stated that all of the Litvinenko investigation materials had been classified. Yet from RT’s own reporting, she knew or was reckless not to have known that the UK Inquiry Report and the police and forensic evidence had been published in 2016 and are freely available on the UK Inquiry web site.

START 07:30

<sup>10</sup><https://www.youtube.com/watch?v=bSTydJE8ORY&feature=youtu.be>

**OB** There is an interesting coincidence in this case. Theresa May, when she was Home Secretary, she classified the Litvinenko case, all the investigation materials, and she said it was a matter of national security. You are a family...

**WL** Sure, it was the right thing to do. Because if they reveal all this information... It's not just the national security. It's basically CIA that's involved.

END 08:01

**Program 4 - 04/04/18 Channel One Program "Let Them Talk"<sup>11</sup>.**

99. This program was a follow up to the "Let Them Talk" episode on March 20, 2018. The transcript of the relevant segment (from 32:43 to 54:06) is in EXHIBIT 2; the corresponding video clip is in EXHIBIT 3. To set the stage, host Dmitry Borisov summarized the "sensational" revelations of the previous program:

START 32:45

**DB** Today again we discuss the poisoning case of Sergei Skripal, the ex-spy, and his daughter Yulia. Theories multiply like mushrooms after the rain and in the process, it turned out the ex-spy, while in Britain, could get close to the crowd around Boris Berezovsky who had long lived in London. This group reportedly had included Alexander Litvinenko and a longtime associate of Berezovsky Alex Goldfarb. The murder of Litvinenko, the mysterious death of Boris Berezovsky and the poisoning of Sergei Skripal could be links in the same chain as was indirectly asserted by Walter Litvinenko, the father of the late agent. On the previous show he said he believes the probable murderer of his son was Goldfarb who, he said, could be a CIA agent. So, whose path could the ex-spy Sergei Skripal cross? Or perhaps the actual target was his daughter and if so why only she is out of coma? Before the break we talked about what was also discussed last time, namely that Sergei Skripal was a link in the same chain with the poisoning of Alexander Litvinenko. A sensational

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<sup>11</sup> <https://www.youtube.com/watch?v=zIaD8drTkN8&feature=youtu.be>

statement was made on the last program by Walter Alexandrovich, the father of Alexander Litvinenko.

END 34:09

100. The program then brought Andrey Lugovoy to the stage, who said that Walter's allegations about Dr. Goldfarb were no surprise to him, even though Dmitry Borisov said that this was "one of the most discussed" news in the country:

START 34:38

**DB** So, look here, you heard everything that Walter Litvinenko said on our program. No one was prepared for that version. It truly became one of the most discussed news, at least in our country. Did it surprise you?

**AL** Regarding Goldfarb?

**DB** Regarding...

**AL** No, it did not surprise me. We aired this version 12 years ago when the events happened. We discussed several versions very thoroughly including the role of Berezovsky's people. The main version was that in the case of Litvinenko the interests of both Berezovsky and secret services were affected. And of Berezovsky's circle.

END 35:10

101. The program then showed a staged handshake between Walter and Dmitry Kovtun, following which Borisov and Kovtun insinuated that "a kind of a warm relationship" existed between Dr. Goldfarb and Mr. Litvinenko's widow, Marina. Borisov called it a "sensational supposition," which amounts to "one more version of Alexander Litvinenko's murder":

START 40:56

**DB** Walter Alexandrovich, on our last show you came out and greeted and practically embraced Andrey Lugovoy who you think is absolutely uninvolved in the case. What would you say about Dmitry Kovtun?

**WL** They were all together. Sokolenko, Dmitry Kovtun, them all were together.

**DB** If he shows up in this studio, will you greet Dmitry Kovtun?

**WL** Why not?

**DB** Dmitry Kovtun is here. Greetings. Let's ask him about this old case in which he also has been accused, and the present case of Sergei Skripal.

**DK** Hello!

**WL** Hello!

**DB** Good evening Dmitry! I know that when our editors talked to you about the version that Alexander Goldfarb could be complicit in the murder of Alexander Litvinenko you put forward a rather sensational supposition regarding the possible relationship of Alexander Goldfarb and...

**DK** ...the former wife of Alexander you mean?

**DB** ... and Marina Litvinenko.

**DK** Well, from the first days after Litvinenko's death Goldfarb was near her; we saw them together all the time, they wrote a book together, they prepared for the hearings together and all those statements she made during Public Inquiry make one think that she is of course under someone's influence and does not make her own decisions.

**DB** So you think she is under Goldfarb's influence?

**DK** I think yes.

END 42:28

...

START 46:33

**DB** How it can be that Alex Goldfarb whom Walter Litvinenko blames in his son's death keeps warm relations with the widow of poisoned Alexander and what linked Boris Berezovsky to Sergei Skripal? Just before the break, one more version of Alexander Litvinenko's murder was offered by Dmitry Kovtun who also had featured in the British criminal case. I want you Dmitry to repeat it. So, Alexander Goldfarb whom Walter Alexandrovich thinks is complicit in his son's murder, according to you was in a kind of warm relationship with Marina Litvinenko.

**DK** He is still in a kind of warm relationship with Marina Litvinenko.

**DB** You said she is influenced by him.

**DK** I said he influences her in a certain way; directs her.

**DB** How?

**DK** He formulates her position, her opinions, convinces her to make false statement in the Public Inquiry hearings, for example. And she does that. She is making absolutely ill-advised, easily disprovable...

**DB** Why does she listen to him?

**DK** Probably because he in some way commands her respect.

**DB** Respect, or...?

**DK** Respect, maybe more by now, I don't...  
END 47:45

102. The reprehensible and malicious intent of this exercise orchestrated by Channel One using the false statements of one of the individuals determined to be Litvinenko's murderers is obvious: to undermine the moral high ground of Marina Litvinenko, who has been the driving force in the fight for justice for her late husband, and to further defame Dr. Goldfarb.

**Program 5 - April 10, 2018 Channel One Program "Let Them Talk"<sup>12</sup>.**

103. On April 10, Channel One broadcast another episode of "Let Them Talk." The English transcript of the section from 27:00 to 50:53 is presented in EXHIBIT 2, and the corresponding captioned video clip, in EXHIBIT 3. In the program, Lugovoy narrated Terluk's false and judicially discredited fantasy about Berezovsky's asylum, calling it "the key episode" because it provided a motive for Dr. Goldfarb to kill Litvinenko.

START 27:00

**Dmitry Borisov (DB)** So, Andrey, when the Office of Prosecutor General recalls similar scenarios, they mention the Litvinenko story in which you've been involved, they also mentioned the attempt to assassinate Boris Berezovsky in 2003. And a name emerged there, that of a certain Vladimir Terluk

**Andrey Lugovoy (AL)** Yes, colleagues let us go back to what the Office of Prosecutor General said. They showed a key story with Terluk. Few remember it. I was peripherally involved in that story too, because British lawyers came to Moscow and took my deposition as part of the *Berezovsky vs Terluk* case. For a year I worked with them; Vladislav Reznik, the lawyer who helped me is here. So, this is what that was about: in 2003, when Berezovsky arrived in London they refused to give him political asylum. My friends, he did not get it, and this was a shocking blow to him. So precisely after that, Berezovsky's collaboration with the British special services commenced, with MI-6. There was a deal, apparently. This deal involved Goldfarb - who, as we firmly believe is a member of the CIA, - Litvinenko and a certain con man, the historian Felshtinsky.

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<sup>12</sup>  
<https://www.youtube.com/watch?v=IN2zsa7si9k&feature=youtu.be>



END 28:15

...

START 28:35

**AL** So in order to create an appearance of legitimacy in obtaining political asylum for Berezovsky, they needed a scandal. In the end they found a certain Terluk. He is a citizen of Kazakhstan. They got him to agree to claim that Russian special services gave him a fountain pen loaded with poisoned ink, which he was supposed to use during the second court hearing on Berezovsky's political asylum. And in a nutshell this kind of operation was carried out. As the result, Berezovsky got political asylum. I have read the testimony of Litvinenko, Goldfarb and Felshtinsky in this case, a real tearjerker. And so, in effect, the British already in those days were using stories about poisoning. Why this is a key episode? It looks they did not pay Terluk enough or something else because Terluk was released, there was nothing against him, no pen with poisoned ink was found but the political asylum has been granted. And when Litvinenko fell out with Berezovsky, who held him by not transferring the deed on the house, withholding his salary, stopping funding the tuition of his son, I'll tell you straight: Litvinenko became a threat to Berezovsky because he could return to Russia. And quite possibly this led to what's happened to him next; we talked about it a lot.

END 30:12

104. During the program, Lugovoy and a lawyer named Alexander Treschev, falsely stated that after Berezovsky was granted British asylum, Dr. Goldfarb and Litvinenko organized an illegal business obtaining asylum for criminals escaping the Russian justice system. Lugovoy and Treschev offered no evidence about this fictitious activity. The only purpose for publishing that false story was to reinforce the credibility of the fictitious Terluk narrative, which Lugovoy considered "the key episode" in the whole fabrication:

START 32:08

**AL** There is one more small detail, so that you understand everything related to Goldfarb and his Foundation for Civil Liberties founded by Berezovsky. Using as a model the way Berezovsky got his asylum,

Goldfarb, Felshtinsky and Litvinenko decided to set up a trade selling British citizenship. They told me - Dmitry Kovtun will confirm: Guys, let's find someone in Russia who has been pursued by the Russian law; we'll strike a deal with that person; the price will be one million dollars; he will make several harsh statements against Russian authorities, make sure he is photographed preferably as he is being detained in one of the skirmishes that we all see. Then we get him over to London via a third country; he makes appropriate statements, the Foundation for Civil Liberties - it has been registered in New York - endorses him; and he gets asylum.

**DB** And the Foundation for Civil Liberties is the one where Goldfarb is vice president...

**AL** The president. As we were listening to this all, I said, how can that be, it's an obvious con, and he said, you don't realize how idiotic the British are; they believe all the crazy stuff we're telling them about Russia! Period. (Applause).

**Alexander Treschev (AT)** Andrei, the most important is that they have realized several such scenarios and a number of people got immunity through them, that is, this industry has since developed and became large scale, and we know that dozens of people, maybe several dozen obtained asylum in this way, who are crooks, traitors and thieves...

END 33:36

105. Channel One then broadcast a brief eighty-second excerpt of the taped telephone conversation with Dr. Goldfarb. This brief audio excerpt omitted Dr. Goldfarb's detailed rebuttals and was obviously included to create the false impression that Dr. Goldfarb had been allowed to participate in the program. Mikhail Ignatov, a forensic expert, and Igor Nikulin, a former UN biological weapons expert, are guests on the program.

START 41:46

**DB** Nonetheless, nothing of what you've said undermines Alexander Goldfarb's trust in the British Justice. We got in touch with him. Here is how he answered the questions of my colleague.

**Natalia (NA) [audio of conversation]:**... will be taped.

**Alex Goldfarb (AG)** Go ahead.

**NA** First question. What do you think about the poisoning of Skripal?

**AG** I think Russian special services poisoned Skripal as British authorities say. Why I think so? Because I trust British authorities and don't trust Russian authorities. Russian authorities poisoned him and sooner or later they must be held accountable. The Brits have the evidence, they claim, and I fully trust them.

**NA** Litvinenko's father accused you of killing his son. How do you respond to him?

**AG** I can respond: he is no father to him, he abandoned him when the boy was two years old, later he milked him, and later when Berezovsky stopped giving him money he returned to Moscow. He is worse than Lugovoy because Lugovoy at least carried out an order while the father betrayed his son for an apartment in Moscow.

**NA** When Alexander Litvinenko was in the hospital they say that you shaved him bald. What is the story? Why you did it?

**AG** I did not do it. When Alexander Litvinenko was in the hospital his hair fell out because of the action of radiation. This was confirmed by the way in an open court, all evidence is available in the Internet, anyone can see.

**DB** [studio] Alexander Goldfarb says he trusts British authorities 100%, absolutely does not trust what Russia says and if this is what Britain says, then...

**Mikhail Ignatov (MI)** What else can he say?

**Igor Nikulin (IN)** Nothing else could be expected from him!

END 43:35

106. The program also repeated the false statement that Dr. Goldfarb was an agent of the CIA:

START 44:04

**DB** Regarding Alexander Goldfarb, you, Andrei, have called him on the air a likely CIA agent, didn't you Andrei?

**AL** Well, a CIA agent, firstly Litvinenko's father said that, and also I know that he had emigrated from Russia in the Soviet time and I know from his own words that in the 1990s he was on the so-called black list, he was on the list of people whose entry into the Russian Federation was prohibited. These lists are not compiled arbitrarily, meaning that he was a threat to the security of Russian Federation.

**DB** And what do you think...

**AL** That was in the 1990s, I emphasize!

END 44:48

107. The statement that Dr. Goldfarb was unable to enter Russia because he was on a “black-list” is false. The truth is that during the 1990s, Dr. Goldfarb spent much of his time in Russia directing various significant charitable projects funded by George Soros:

From 1992 to 1995, Goldfarb was Director of Operations at Soros' International Science Foundation, which helped sustain tens of thousands of scientists and scholars in the former Soviet Union during the harshest three years of economic reform. In 1994 Goldfarb managed Soros' Russian Internet Project, which built infrastructure and provided free Internet access for university campuses across Russia... In 1995, during the first months of the First Chechen War Goldfarb oversaw a Soros-funded relief operation... From 1998 to 2000 Goldfarb directed the \$15 million Soros tuberculosis project in Russia<sup>13</sup>.

Despite these easily verifiable facts, Channel One broadcast Lugovoy's lies to substantiate their false narrative about Litvinenko's murder that was needed to explain how Dr. Goldfarb supposedly could obtain Polonium from the CIA.

**Dr. Goldfarb Has Been Severely Damaged by Defendants' Malicious Lies**

108. The defamatory statements made and broadcast by Defendants have been widely reproduced and republished around the world by the media in Russian and in English, as well as on social media. Dr. Goldfarb enjoys a considerable public standing in Russia and around the world, including the United States. Dr. Goldfarb is the author of a widely circulated book and is often invited to take part in news programs, talk shows, conferences and documentaries on Russian affairs both here and abroad. By falsely branding him a murderer in a high-profile case, Defendants have caused Dr. Goldfarb public humiliation, embarrassment and irreparable damage to his reputation.

<sup>13</sup> [https://en.wikipedia.org/wiki/Alexander\\_Goldfarb\\_\(biologist\)](https://en.wikipedia.org/wiki/Alexander_Goldfarb_(biologist))

109. The Litvinenko case has been and will continue to be the subject of countless books, articles and dramatizations. It is inevitable that Dr. Goldfarb will now forever be mentioned - even by the most objective authors - as someone who has been accused of being Litvinenko's murderer.

110. The false accusation that Dr. Goldfarb murdered his beloved wife has caused him particularly deep mental anguish and emotional distress. Because of these false allegations, he has relived months and months of his wife's excruciating fight with cancer while he sat helplessly at her bedside.

111. In the aftermath of Defendants' defamatory programs, Dr. Goldfarb has received dozens of inquiries and expressions of concern for his own safety coming from his family, friends, the press, and from law enforcement officials. The Federal Bureau of Investigation contacted Dr. Goldfarb to inquire about his well-being and "to make sure that nothing similar happens in our country." A family member of Dr. Goldfarb has told him about recurrent nightmares of being poisoned along with him.

112. The false claims of Dr. Goldfarb's association with the CIA broadcast by Defendants create an objective danger that some of the CIA-haters around the world, whether mentally disturbed individuals or bona fide terrorists, will take the fabrication at face value and attempt to harm Dr. Goldfarb. This constitutes a real danger to him and adds to the mental anguish and distress among his friends and family.

113. Defendants' repeated lies have caused, and will continue to cause, profound emotional damage to Dr. Goldfarb.

114. Defendants' wrongful conduct was intended to curry favor with the Russian government and thereby to obtain economic and other benefits. In particular, the Russian

government has allowed Defendants to establish a near monopoly and dominate the broadcasting market, and thereby receive substantial advertising revenues and profits.

**FIRST CAUSE OF ACTION**

**(Libel Per Se)**

**Against both Defendants**

115. Plaintiff repeats and re-alleges the allegations in paragraphs 1 through 114 as if fully set forth herein.

116. Defendants broadcast statements that Dr. Goldfarb murdered Litvinenko, murdered his wife, and is a CIA operative.

117. Those statements are about Dr. Goldfarb and are reasonably understood to be about him.

118. Those statements are demonstrably false:

- The official British Public Inquiry established, on the criminal standard of proof, that Litvinenko had been murdered by Lugovoy and Kovtun.
- Dr. Goldfarb could not have murdered Litvinenko because on November 1, 2006, the day of his poisoning, he was not in London. He arrived thirteen days later.
- The allegation that Dr. Goldfarb murdered his wife rests on the alleged conversation between her and Walter shortly after Mr. Litvinenko's death. She allegedly told him in English: "Walter, Walter, Alex killed Alexander." Walter also stated that Mrs. Goldfarb died a month later at the age of 28. The truth is that Mrs. Goldfarb was a native Russian speaker and could not have used English with Walter who did not speak English at all. She was 51 at the time of the alleged conversation, not 28. She died of cancer four years later, not one month after the alleged discussion.

- The allegation that Dr. Goldfarb is a member of the CIA is based entirely on hearsay from Walter, an unreliable source.

118. In broadcasting the defamatory allegations against Dr. Goldfarb, Defendants purportedly relied on the following claims:

- the evidence incriminating Lugovoy and Kovtun has been kept secret;
- the finding that Lugovoy and Kovtun killed Litvinenko was merely an opinion rather than a judicial finding; and
- the trail of radioactive Polonium-210 incriminating Lugovoy and Kovtun had been planted in order to falsely incriminate them.

The truth, as Defendants knew, is that (a) all evidence pertinent to Lugovoy and Kovtun has been made public in the UK Inquiry and is available on the Public Inquiry web site, (b) their culpability has been established beyond a reasonable doubt, and (c) the theory that Lugovoy and Kovtun were set up by someone planting Polonium was considered and rejected in the UK Inquiry.

119. Defendants knew that the defamatory statements they broadcast were false. Their own reporting establishes that they have seen, read, analyzed and quoted from the UK Inquiry Report. Despite that knowledge, Defendants have intentionally misrepresented the UK Inquiry Report's findings as part of their campaign to defame Dr. Goldfarb and discredit the Inquiry.

120. In addition to their knowledge of the UK Inquiry Report, the reliance of Defendants' reporters, analysts, producers and editors on Lugovoy, Kovtun and Walter, without engaging in the most elementary fact-checking, evidences that their defamatory statements about Dr. Goldfarb were intentional or made with reckless disregard of the truth.

121. Defendants knew from their own reporting that Walter first made his allegations against Dr. Goldfarb in 2012, when he begged Putin for permission to return to Russia. Defendants reported that his pleas and statements were the consequence of his dire financial situation and that he expected to be rewarded. A Channel One reporter had observed: “One cannot be at all sure that Walter Litvinenko wouldn’t instantly change his view if someone in the West would all of a sudden help him.” Despite these serious doubts, in 2018 Defendants repackaged and re-released Walter’s false statements as if they were new.

122. The allegation that Dr. Goldfarb could somehow obtain Polonium-210 to kill Litvinenko and/or contaminate the trail of Lugovoy and Mr. Kovtun is so absurd on its face that it could only be put on air with intent to defame. There has never been a shred of evidence to support the assertion that Dr. Goldfarb acted with the help of the CIA, MI6 or some other government agency, and, as Defendants know, was specifically debunked by the Report.

123. Defendant Channel One continued to broadcast false statements about Dr. Goldfarb even after the taped interview in New York on March 23, 2018, where he gave a detailed rebuttal to the false statements on the March 20, 2018 program. He identified the sources where the true facts could be checked, including the Report and the Public Inquiry website, and pointed out the obvious falsity of Walter’s claims about his wife’s death. But Channel One went on to broadcast the same defamatory statements in three subsequent programs --on March 30, April 4, and April 10, 2018-- in deliberate disregard of the truth.

124. Channel One’s malice is evident from its handling of Dr. Goldfarb’s attempts to respond to its defamatory broadcasts. While lower level personnel sought Dr. Goldfarb’s reaction to the accusations, higher level executives deliberately prevented the truth from coming out by cancelling two scheduled appearances where Dr. Goldfarb could have directly confronted



his accusers. Channel One never used the interview taped of March 23, 2018, and instead broadcast only a small fragment of a phone conversation.

125. The RT reporter who interviewed Walter on April 1, 2018 knew that cancer was the true cause of Dr. Goldfarb's wife's death. Despite that knowledge, Defendant RT broadcast Walter's false allegation that she was killed in order to keep her silent.

126. The statements of Defendants constitute libel per se. Those statements accuse Dr. Goldfarb of horrific crimes; specifically, the poisoning of his close friend and the murder of his wife.

**SECOND CAUSE OF ACTION**  
**(Libel Per Se)**  
**Against Channel One**

127. Plaintiff hereby repeats and re-alleges the allegations of paragraphs 1 through 126 as if fully set forth herein.

128. Defendant Channel One broadcast accusations of Dr. Goldfarb's committing additional crimes:

- Dr. Goldfarb and Berezovsky conspired to defraud the UK into granting asylum to Berezovsky, and they killed Litvinenko to prevent this from being disclosed;
- Dr. Goldfarb and Litvinenko operated an illegal business to help criminal asylum-seekers; and
- Dr. Goldfarb persuaded Marina Litvinenko to give false testimony to the Public Inquiry in London.

129. These statements are about Dr. Goldfarb and are reasonably understood to be about Dr. Goldfarb.

130. These statements are false:

- The allegation of fraud in connection with Berezovsky's asylum application was conclusively rejected in 2010 by an English judge in *Berezovsky vs Terluk*. The judge's explicit finding that there was no such fraud demonstrates that Dr. Goldfarb had no motive to cover up a non-existent crime by killing Litvinenko.
- The allegation that Dr. Goldfarb had operated an illegal business to help criminal asylum-seekers has never been supported by a shred of evidence.
- The vague assertion that Marina Litvinenko committed perjury at the urging of Dr. Goldfarb has never been supported by any specific allegation, let alone by any evidence.

131. Defendant Channel One knew or were highly aware of the overwhelming probability that the claim that Mr. Goldfarb took part in the alleged asylum fraud was false. Channel One was aware of the decision in *Berezovsky vs Terluk*. Lugovoy talked about that decision at length on the Channel One program of April 10, 2018.

**THIRD CAUSE OF ACTION**  
**(Intentional Infliction of Emotional Distress)**  
**Against both Defendants**

132. Plaintiff hereby repeats and re-alleges the allegations in paragraphs from 1 to 131 as if fully set forth herein.

133. As a result of the substantial public interest in the Litvinenko and Skripal cases, the nature of the defamatory statements Defendants published about Dr. Goldfarb, and the extent to which those false statements were circulated, Defendants have directly and proximately caused Dr. Goldfarb to suffer significant damages, including damage to his reputation, humiliation, embarrassment, mental suffering, and emotional distress. These damages are ongoing in nature and will continue to be suffered in the future.

134. Defendants' conduct was committed knowingly, intentionally, willfully, wantonly, dishonestly and maliciously, with the intent to harm Dr. Goldfarb, or in blatant disregard of the substantial likelihood of causing him harm. Accordingly, Dr. Goldfarb should be awarded compensatory and punitive damages.

**PRAYER FOR RELIEF**

135. **WHEREFORE**, Plaintiff, Dr. Alex Goldfarb, demands judgment against Defendants, Channel One Russia and RT America, as follows:

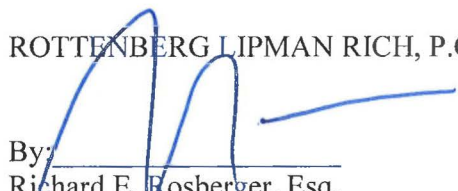
- i. An award of compensatory, special and punitive damages in amounts to be established at trial;
- ii. An award of Plaintiff's costs associated with this action, including but not limited to his reasonable attorneys' fees and expenses; and
- iii. Such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury on all issues so triable.

Dated: New York, New York  
September 7, 2018

ROTTENBERG LIPMAN RICH, P.C.

By:   
Richard E. Rosberger, Esq.  
([rosberger@rlrpclaw.com](mailto:rosberger@rlrpclaw.com))  
Bertrand Sellier, Esq.  
([bsellier@rlrpclaw.com](mailto:bsellier@rlrpclaw.com))  
230 Park Avenue, 18<sup>th</sup> Floor  
New York, New York 10169  
Telephone: 212-661-3080  
Fax: 212-867-1914  
Attorneys for Plaintiff Alex Goldfarb

## EXHIBIT 1

# Exhibit 1



## England and Wales High Court (Queen's Bench Division) Decisions

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**Neutral Citation Number: [2010] EWHC 476 (QB)**

Case No: HQ07X01481

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL  
10 March 2010

**B e f o r e :**

**THE HONOURABLE MR JUSTICE EADY**

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**Between:**

**BORIS BEREZOVSKY**

**Claimant**

**- and -**

**(1) THE RUSSIAN TELEVISION AND RADIO  
BROADCASTING COMPANY  
(2) VLADIMIR TERLUK**

**Defendants**

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**Desmond Browne QC and Matthew Nicklin (instructed by Carter-Ruck) for the Claimant  
The Second Defendant in person**

**Hearing dates: 8-9, 11-12, 15-16 & 18-19 February 2010**

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**HTML VERSION OF JUDGMENT**

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**Mr Justice Eady :**

*Introduction: the parties and their roles in the litigation*

1. The Claimant sues the Defendants over the broadcast of a television programme on 1 April 2007. The First Defendant is the Russian Television and Radio Broadcasting Company ("RTR"), which was responsible for the Russian language programme *Vesti Nedeli* on the channel RTR Planeta. RTR's charter demonstrates that it is a state-owned television and radio broadcaster which was created to obtain and distribute information and also to make television programmes for broadcast both in and outside Russia. This claim is confined to the broadcast of allegations within this jurisdiction.
2. The channel is free to view. It is available without subscription throughout the United Kingdom. There are thousands of Russians and Russian speakers living in Britain (indeed, I was told that there may be several hundred thousand in London alone). One of the witnesses, Mrs Marina Litvinenko, told me that many of them do not integrate too well here and are still very much focused on life in Russia and on the Russian viewpoint on current affairs generally. Her evidence is supported by other witnesses. Mr Yuli Dubov, for example, compared *Vesti Nedeli* to Newsnight, although he thought it would attract "a broader audience". It is likely to have attracted particular interest on the night in question because it had been trailed in advance as throwing new light on the notorious murder of Mr Alexander Litvinenko the previous November. The likelihood is that the viewers of the programme in the jurisdiction will have been measured in the thousands.
3. The Second Defendant, Mr Terluk, has lived in this country since 15 February 1999 and has been hoping to obtain political asylum throughout that period, although it has so far not been granted. The Claimant has lived here since 2001 and was granted asylum on 10 September 2003. He obtained refugee status and indefinite leave to remain because the view was taken by the Home Office that he had "a well-founded fear of political persecution" in Russia. He was described by one of the witnesses, Mr Alex Goldfarb, as a leader of the Russian émigré community and the principal opponent of Mr Vladimir Putin abroad.
4. As I have said, the theme of the programme in question was to throw new light on the murder of Alexander Litvinenko, which took place in London in November 2006. A significant part of the programme consisted in an interview with a person (referred to as "Pyotr") whose identity was, to some extent at least, disguised. The back of his head was shown in shadow and his voice was distorted. It is the Claimant's case that the interviewee was in fact the Second Defendant. That remains a live issue for the court to resolve.
5. The First Defendant took no part in the trial, although it had been represented by various firms of solicitors at different stages. There were, however, long periods of non-participation. It only finally became clear shortly before the trial that it would not be represented.

6. Judgment had been entered on 4 December 2008 against both Defendants in default. In July of last year, however, I set aside judgment in respect of the Second Defendant. Although at one stage it was indicated (in a letter from Denton Wilde Sapte of 4 August 2009) that the First Defendant also intended to apply to set aside the judgment, no such application was ever launched. The trial eventually took place, therefore, on the issues of both liability and damages regarding the Second Defendant, but the only issue relating to the First Defendant was that of damages.
7. When judgment was entered originally, there was a direction that damages were to be assessed by judge alone on 6 March 2009. By letter of 11 December, one week after judgment was entered, both Defendants were informed that they could apply for trial by jury if they wished. Nothing happened on this or any other issue until, a few days before the appointed hearing date, the Second Defendant applied to set aside judgment. (This followed a meeting on 27 February 2009 with representatives of the Russian Chief Prosecutor's Department, although Mr Terluk says that he was working on the application and that he only made a few amendments to his draft after the meeting.) Thus the hearing on 6 March was used for other purposes. There came a point when I directed that the trial should take place with a jury, because I had formed the impression that Mr Terluk favoured this mode of trial. At the pre-trial review on 5 February 2010, however, he made it clear that this was not so. It transpired that he and the Claimant were both content to have trial by judge alone. The First Defendant had never expressed any view on this point, either at the time I originally ordered assessment of damages by judge alone or when I later directed trial by jury. I made an order accordingly.
8. As it happened, this was more convenient for all concerned. Jury trial with a litigant in person speaking through an interpreter would have been problematic. Sitting alone, I was able to approach the trial more informally and could let Mr Terluk's McKenzie friend, Ms Margiani, take more of a proactive role and to an extent act as a quasi-advocate. Also, I was able to take a more relaxed view about the admissibility of evidence than would have been the case with a jury. In fact, a jury would almost certainly have had to be discharged in the light of some of the material Mr Terluk introduced. I let in a substantial amount of evidence, and cross-examination, without taking up time arguing about it or having to explain the rules of evidence. This was on the basis that I could then decide the case only on that which was properly admissible. Further difficulties would have arisen in a jury trial over documents, as the Second Defendant kept refusing to indicate to the Claimant's solicitors in advance which documents he wanted in the trial bundle. He introduced them piecemeal as the trial progressed.
9. It is perhaps worth recording that a number of false allegations have been made in the Russian press as to why RTR did not participate in the trial. It has been said, for example, that it was prohibited from doing so because the court had ordered it to disclose the identity of a source (i.e. Pyotr), which it refused to do. In fact, the opposite is the truth. There was a hearing in January of this year when counsel represented RTR and made submissions on source protection. These were upheld, so that RTR did not have to disclose anything which might reveal such information.
10. It is true that there had been a much earlier hearing, in July 2008, during which RTR had asked the court to decline jurisdiction on the ground that it was obliged, by Russian law, not to reveal the identity of "Pyotr" because he was supposed to be a "state-protected witness/victim". This was said to render the case non-justiciable. I rejected this application: [\[2008\] EWHC 1918 \(QB\)](#). RTR had failed to establish that "Pyotr" had the protected status. Moreover, no indication was given as to why this litigation would require Pyotr's identity to be revealed in any event. It was not, for example, explained what defence RTR would wish to advance that might lead to this revelation; in particular, there was no indication of a plea of justification. Moreover, even at that stage, I referred, at [22], to the possibility of



RTR being able to rely on s.10 of the Contempt of Court Act 1981, which provides for source protection. (Since RTR was unsuccessful in its application, it was ordered to pay a sum on account of costs, which remains outstanding to this day.)

11. RTR was ordered on 25 January of this year to specify whether it was going to participate in the trial by the deadline of 27 January at 5 p.m. This left only seven working days before the commencement of the trial itself. The purpose of the order was to enable everyone to prepare accordingly. Both I and the Claimant's solicitors had previously tried to obtain an answer from RTR as to its intentions, but this information was not forthcoming. For example, I had asked RTR's counsel at a hearing on 13 January and he replied that he would take instructions. The request was repeated in a solicitor's letter of 14 January. Denton Wilde Sapte responded in letters of 15 and 21 January to the effect that they were taking instructions. Still nothing happened. All this against the background that the trial date had been fixed in August 2009. RTR had had ample time to decide on the stance it wanted to take. It was necessary to know where we stood. Despite having solicitors in London, it failed to meet the deadline. No application was made for an extension.
12. On 1 March, after this judgment was ready in draft for releasing to the parties, RTR resurfaced. I received a communication indicating that it wished to appeal my order of 5 February as to mode of trial. It wished to argue that the damages should have been assessed by a jury. I was asked to stay the handing down of my judgment until after the application for permission to appeal was dealt with. The object is apparently to obtain an order for retrial of the issues relating to damages – this time with a jury. Mr Browne QC, for the Claimant, has made the point that it would be "absurd that a non-participating party should be able to dictate mode of trial, when the participating parties both wished a trial by judge alone". By the time I made the order on 5 February, it had been clear for more than a week that RTR was not intending to participate. As I have said, it failed to meet the deadline on 27 January and did not seek an extension.
13. It would not accord with the overriding objective for me to stay the handing down of judgment on liability, as between Mr Berezovsky and Mr Terluk, simply because RTR suddenly declared an interest in jury trial on the issue of damages. Nor would it be compliant with the parties' rights under Article 6 of the European Convention. There have been unnecessary delays in the course of the litigation and it is overdue for resolution.
14. In any event, since the issue of liability was to be tried by judge alone, it would make no sense to bring in a jury at a later stage to assess the damages. They would need to have the whole circumstances of the trial on liability placed before them. It would amount to a complete replication of what had already taken place. In all the circumstances, I concluded that it was inappropriate to stay the handing down of my judgment on damages.
15. Before I come to the broadcast itself, and the defamatory meanings for which the Claimant contends, it is important that I set out something of the background context, as it has emerged in the course of the evidence.

*Mr Boris Berezovsky's account of his earlier career*

16. Mr Berezovsky was born in Moscow in 1946. For many years he worked at the Institute for Control Sciences, where he eventually held the post of Head of the Department of Computer Design. While there, he obtained a degree in engineering at the age of 28 and subsequently became a Doctor of



Sciences, aged 35. He was elected a corresponding member of the Russian Academy of Sciences.

17. In the course of his career, he has written more than a hundred papers and two monographs on scientific subjects. He has also lectured around the world, including in the United States, Japan, Italy and Germany. During his time at the Institute, Mr Berezovsky worked with the large car manufacturer known as Autovaz and developed computer software for automatic design systems. These were used in various Russian industries. One of the first private companies to exist in Russia was Logovaz, which was set up by Mr Berezovsky in 1989 for the purpose, originally, of developing and selling computer software. In 1991, he became a distributor for a large number of external car manufacturers, such as Mercedes-Benz, Volvo, General Motors, Chrysler, Honda and Daewoo. Mr Berezovsky's business career thereafter prospered and in November 1994 Logovaz, together with some other private companies, acquired a 49% share of ORT, which he described as "the major Russian television channel". A year later he acquired a substantial interest in the major oil company, Sibneft, which was set up in September 1995.
18. During the presidency of Mr Boris Yeltsin, Mr Berezovsky became involved in politics and held various offices. From October 1996 to November 1997, he held the position of Deputy Secretary of the Security Council of the Russian Federation, which led to his becoming directly involved in the negotiation of the peace treaty at the end of the first Chechen war. This was signed between Russia and the Chechen president, Mr Aslan Maskhadov, on 12 May 1997. In April 1998, he was appointed Executive Secretary of the Commonwealth of Independent States ("CIS") This was as a result of the unanimous decision of the twelve presidents of the former Soviet republics. That position he held until 2 April 1999. In December of that year he was elected a member of the Duma.
19. Shortly afterwards, Mr Putin stood for President and Mr Berezovsky was at the outset a supporter. On the other hand, he recounted in his evidence how he became more and more concerned, from the spring of 2000 onwards, by what he perceived to be a process of centralising all power within the Kremlin. He began publicly to oppose certain of his policies.
20. In May 2000, I was told, Mr Berezovsky criticised Mr Putin's decision to dismiss regional governors, who had been democratically elected. A further point of criticism related to the treatment of Vladimir Gusinsky, whose television channel, known as NTV, had voiced opposition to a number of Mr Putin's policies. He was arrested in June 2000 and accused of serious fraud. He was, however, released once he had signed a paper surrendering his television interests to the state.
21. Mr Berezovsky also criticised Mr Putin's policy in relation to Chechnya, which he regarded as aggressive. This is one of the main factors which led Mr Berezovsky voluntarily to resign from the Duma in July 2000. He also announced an intention to organise more general political opposition to Mr Putin.
22. In August 2000, the Kursk submarine disaster occurred, which led to the slow deaths by asphyxiation of the entire crew. Mr Putin was on holiday on the Black Sea at the time and came in for a good deal of criticism for what was thought by many people to be a slow response to the disaster. He was given unfavourable coverage in this context by ORT, which led to his inviting Mr Berezovsky to the Kremlin. According to his evidence, he was told to surrender his share in ORT because Mr Putin wished to have complete control of the television station. If he did not comply, he would be put in prison. He protested publicly that the Kremlin was trying to "blackmail" him. Eventually, in October 2000, while he was away in France, it was announced by the Russian prosecuting authorities that he and Mr Gusinsky were

to be charged shortly with separate criminal offences. It is Mr Berezovsky's case that these were politically motivated. He decided not to return to Russia.

23. By October 2001, Mr Berezovsky was in England and, as I have recorded, he applied for political asylum. In March 2003, the Russian prosecutor applied for extradition, on the basis that Mr Berezovsky had stolen 2,322 cars. The background to this was that Autovaz had supplied these vehicles to Logovaz on credit terms back in 1993 and 1994. According to Mr Berezovsky, these vehicles had been transferred as part of a tripartite deal between Autovaz, Logovaz and the Samara regional administration, which took a share in Logovaz equivalent to the amount Autovaz owed the region in outstanding taxes.
24. I was told that, much later, in November 2005, the Praesidium of the Supreme Arbitration Court held that this deal had been entirely lawful. I must be careful, however, to record that I have heard no expert evidence on Russian law or as to the full implications of that decision. At all events, Mr Berezovsky relies upon it as an outward demonstration of the fact that the charges brought against him had no foundation in law and were politically motivated. It is not for me to come to a conclusion one way or the other. It does not arise as an issue in the case.
25. He contends also that the grant of refugee status in 2003 would not have taken place if the British government had reason to believe that he had committed a serious criminal offence. Furthermore, at the same time the extradition proceedings brought against him in England were discharged.
26. In November 2008, notwithstanding the ruling of the Praesidium three years earlier, the criminal proceedings were revived and a trial was to be conducted in Mr Berezovsky's absence. According to his evidence, he believes that this was a political act intended to undermine his refugee status in the United Kingdom and to lead possibly to his extradition. He took no part in the criminal proceedings in Russia, which commenced on 19 January 2009.

*Mr Berezovsky's relationship with Mr Alexander Litvinenko*

27. It is necessary, by way of background, also to summarise the evidence in relation to Mr Alexander Litvinenko, whose death formed the background to and subject-matter of the offending television broadcast. I heard evidence from his widow, Mrs Marina Litvinenko, and I also received in evidence a written statement of Mr Litvinenko himself, which was dated 31 July 2003, and had been prepared for use in Mr Berezovsky's asylum application, then still pending. Its relevance is that it touches upon the disputed incidents which are alleged to have taken place in the summer of 2003 as part of the Second Defendant's plea of justification in these proceedings.
28. For various reasons, Mr Berezovsky considered his life to be in danger at the time he was still living in Russia in the mid 1990s. It was during this time that he met Mr Litvinenko, who had been an officer in the KGB and was at that time working for its successor, the Federal Counterintelligence Service ("FSK") which became, in 1995, the Federal Security Service ("FSB"). He received a good deal of support from him over the years and regarded him as a close friend.
29. On 7 June 1994, Mr Berezovsky's car was blown up in front of the Logovaz offices in Moscow. Although he was fortunate enough to escape with minor burns, his driver was apparently decapitated. Mr Litvinenko was one of the officers charged with the responsibility for investigating that assassination attempt, and that is how Mr Berezovsky first met him. As it happens, the perpetrators

were never found.

30. On 1 March 1995, the Director General of ORT, Vladislav Listiev, was murdered. Two days later, the police in Moscow raided Mr Berezovsky's Logovaz office with a view to arresting him and questioning him about the murder. According to Mr Berezovsky, he believes that this too was politically motivated and that the arrest took place on the instructions of Alexander Korzhakov, who was at that time President Yeltsin's Chief of Security. He had been a general in the KGB and was seeking to consolidate power around President Yeltsin through what Mr Berezovsky describes as "the old KGB elite". His account of this is that Korzhakov was pitting himself politically against him and other "economic reformers and entrepreneurs". I emphasise that I am not in a position to make any finding as to where the truth lies in this matter: I merely record Mr Berezovsky's version of events.
31. It was in this context that Mr Berezovsky again called upon Mr Litvinenko for assistance. On the day of the raid, 3 March 1995, Mr Litvinenko came to the offices, identified himself as an FSB officer and told the police officers to "move along". Mr Litvinenko called his superior officers to the scene also and the situation, described by Mr Berezovsky as "a stand off", was brought to a conclusion. Mr Berezovsky claims that he would have been arrested and possibly killed had it not been for Mr Litvinenko's prompt assistance on that occasion.
32. In 1998, Mr Berezovsky had further reason to be grateful to Mr Litvinenko, who was at that time working for the FSB unit known as URPO. This had responsibilities for dealing with organised crime. In March of that year, Mr Litvinenko told Mr Berezovsky that he had been ordered in December 1997 by his commander's deputy, Alexander Kamyshnikov, to assassinate him (Mr Berezovsky). He was chosen for this task because he was believed to be close to him. Nevertheless, he regarded the instruction, not surprisingly, as unlawful.
33. Following this, Mr Berezovsky says that he invited Mr Litvinenko and his wife to his dacha in Moscow in April 1998, and arranged for this very serious allegation to be filmed by an ORT camera crew. This was in the presence of Sergei Dorenko, who I understand was a prominent television presenter. Mrs Litvinenko has said that she realised then that their lives would never be the same again. Equipped with that evidence, Mr Berezovsky then filed a complaint with the chief military prosecutor's office, which was dismissed eventually on 2 October of that year. According to Mr Berezovsky's evidence, he was told that it had been accepted that the officers concerned had spoken the words alleged by Mr Litvinenko, but that they were not to be interpreted as a specific order to kill him. He produced in evidence his letter of complaint, objecting to the decision to close the case for the reason that what Mr Litvinenko took as an instruction was only a "casual remark".
34. In July 1998, Mr Putin became head of the FSB and Mr Berezovsky revealed the assassination plot to him. He also arranged for Mr Litvinenko to meet him, in order to present his evidence of corruption within the FSB. Mr Berezovsky says that Mr Putin took no action and that, therefore, on 11 November 1998, he wrote an open letter to Mr Putin, published in the newspaper *Kommersant*, inviting him to use his power to restore constitutional order.
35. A few days after the publication of that letter, on 17 November, Mr Litvinenko and other URPO colleagues announced publicly that they had been ordered to assassinate Mr Berezovsky. This took place at a press conference held at the Interfax Agency. They called upon Mr Putin to purge the FSB of corruption. According to Mr Berezovsky's perception, these events caused embarrassment to Mr Putin and he was critical of the "whistle-blowers".

36. Mr Litvinenko's activities, it seems, led to his dismissal from the FSB on 10 January 1999 on Mr Putin's instructions. Two months later, according to Mr Berezovsky, he was arrested on "trumped up" charges and spent several months in the Lefortovo Prison, where he is said to have been beaten. He says that he also spent 36 days in solitary confinement. On 26 November of the same year a judge found Mr Litvinenko not guilty on all counts, but he was re-arrested in the courtroom on different charges. I understand that he was accused of beating up suspects at a vegetable storage facility and extorting cans of peas from them worth 80 million roubles. Mr Litvinenko therefore returned to jail. Mrs Litvinenko told me that she had been warned at the time that the authorities had 11 charges against her husband up their sleeves and so, if he were acquitted of one, there were plenty of others available.
37. At this point, Mr Berezovsky went to see Mr Putin (by then Prime Minister) and appealed for his intervention. Mr Litvinenko was then released from jail on 26 December 1999. Nevertheless, he remained under FSB surveillance and his passport was taken away. Despite this, he managed to flee Russia finally in October 2000. When he arrived in Turkey, Mr Goldfarb, a colleague of Mr Berezovsky and a witness in the case, offered assistance to him and his family. Mr and Mrs Litvinenko and their son arrived in London on 1 November 2000. He applied for political asylum, which was granted in May 2001. By this time, Mr Berezovsky and Mr Litvinenko were firm friends.

*The "apartment bombings" and the "Ryazan incident"*

38. Once he arrived in England, Mr Litvinenko and a historian called Yuri Felshtinsky began to investigate an incident which had occurred in September 1999. It involved the bombing of some apartments, which led to many civilians being killed. It was their case that the FSB had been responsible for the attacks and that the motive was to provide a pretext for the invasion of Chechnya on 23 September, thus precipitating the second Chechen war. I need to stress once again that I am not in a position to make any findings as to where the truth lies on these important and controversial events. They are not issues in the litigation before me and I am not called upon to resolve any dispute of that sort. These matters simply form part of the narrative in Mr Berezovsky's evidence.
39. Mr Litvinenko's researches led to a book called "Blowing up Russia, Terror from Within" and a documentary programme called "Assassination of Russia". Similar allegations had been made elsewhere, including on Mr Vladimir Gusinsky's channel, NTV, which broadcast a documentary called "The Sugar of Ryazan" just before the elections of 26 March 2000, when Mr Putin won an overwhelming majority. The "Ryazan incident" concerned an announcement by the police, on 23 September 1999 (the day of the invasion), that a bombing attempt had been foiled in an apartment block in Ryazan, which lies some 130 miles to the south of Moscow. That day, Mr Putin praised the vigilance of the local people in discovering the bomb and made a promise of victory in Chechnya. Two days later, a different account was given, to the effect that there had been an FSB training exercise and that what had been found was sugar – rather than the explosive hexogen. Furthermore, what had been thought to be a detonator turned out to be a dummy device. For reasons which I need not address, Mr Berezovsky and others found this later official explanation implausible.
40. NTV had commissioned the "Assassination of Russia" documentary in 2001. It was made by two journalists who were also responsible for the film "Sugar of Ryazan". Mr Gusinsky had intended to broadcast that film as soon as the documentary was finished, but in April 2001 the Russian government took NTV from Mr Gusinsky. The NTV journalists moved to Mr Berezovsky's channel, TV-6. He made it clear that his channel would continue to finance the film and ultimately to broadcast it. Mr Litvinenko and his colleague became the film's consultants.



41. On 14 December 2001, by means of a teleconference at a gathering in Moscow, Mr Berezovsky accused the FSB of masterminding the apartment bombs. This apparently led to the government's decision to confiscate the TV-6 channel. After a series of court decisions, its frequency was turned off on 21 January 2002. Accordingly, the film was never shown to the Russian public. Attempts to publish the book and show the film there failed. I am told that three members of the Russian Parliament who were involved were later killed or suffered sudden deaths; namely, Yuri Schekochikin, Vladimir Golovlev and Sergei Yuschenkov.
42. In the light of all the difficulties, Mr Berezovsky arranged for the documentary to be shown in London on 5 March 2002. At that time, he was engaged in forming a political party ("Liberal Russia"). It was formally registered as a political party in Russia on 7 April 2003. It was announced at the screening that a central platform of the new party would be to expose what was perceived as the "cover up". Another participant at the press conference was Mr Nikita Chekulín, who was at that time taking a similar line to Mr Berezovsky. After he returned to Russia two years later, however, he went through a remarkable conversion. He retracted what he had said at the press conference and claimed that it had been dictated to him by one of Mr Berezovsky's associates (Mr Alex Goldfarb). I mention Mr Chekulín at this stage because he reappears later in the narrative from time to time.
43. Leaders of the newly formed party came over to London for the viewing of the documentary, including Mr Yuschenkov (whose murder took place on 17 April 2003). I was told by Mr Alex Goldfarb that he had been a member of the Duma since 1989 and had recently founded a public commission in Moscow to investigate the apartment bombings and the Ryazan incident. Another member of the Commission, until his death shortly afterwards, was Mr Shekochikin. I was told by one of Mr Terluk's witnesses, Mr Khinstein, who arrived unannounced towards the end of the trial, that the better view was that Mr Shekochikin's death was attributable to natural causes rather than poisoning. Be that as it may, with the founding members either dead or in exile, the Liberal Russia party ceased to function.

#### *The death of Mr Litvinenko*

44. Mr Berezovsky included this material in his witness statement, as part of the background, to show how closely linked he had become with Mr Litvinenko. Although Mr Litvinenko was not apparently interested in politics, he had strong views as to upholding the rule of law. This is all part of the context to which Mr Berezovsky points in seeking to demonstrate how unlikely it would be that he should be involved in Mr Litvinenko's assassination (which is one of the central charges he believes has been made against him in the television programme now sued upon).
45. These activities led to Mr Litvinenko and Mr Berezovsky becoming, according to their perception, targets for the FSB. They both believed that vigilance was necessary because their lives were in danger.
46. A contrasting account of Mr Litvinenko's character and record was advanced by the Russian prosecutors, through Mr Terluk, in the course of the trial. He was portrayed as something of a wild man. It was said that he was an unreliable fantasist, who was prone to emotional outbursts and to violent attacks on prisoners. The purpose of this was to undermine the credibility to be attached to his witness statement. (The reason why the prosecutors knew about its contents was because it was handed over by Mr Terluk in breach of his obligation of confidence, along with other disclosed documents.)
47. Mr Berezovsky drew attention to the evidence given by Mr Litvinenko in his earlier libel action in May 2006. I recall myself that he stated on that occasion that some people were afraid to appear in court,

even to confirm that they had watched the television programme which was the subject-matter of those proceedings. He said he was quite sure that the case was being followed by the FSB and also mentioned that he knew of people who had been killed because they took their cases to the European Court of Human Rights in Strasbourg. This was six months before he was himself assassinated in London by means of polonium poisoning.

48. A few weeks before this occurred, on 7 October 2006, the Russian journalist Anna Politkovskaya was murdered. She had been the Chechen correspondent of the *Novaya Gazeta* and was known as a critic of the Chechen war and of Mr Putin's presidency. Reports appeared shortly afterwards to the effect that President Putin had made comments about the murder during a trip to Germany on 10 October. He apparently suggested that it might have been ordered by those living abroad and hiding from Russian justice – the motive being to create anti-Russian feelings around the world. Some took this to be a reference to Mr Berezovsky. Without mincing his words, Mr Litvinenko shortly thereafter accused Mr Putin of ordering her murder. This took place at a Politkovskaya commemoration at the Frontline Club in London. Whatever else may be said about him, that no doubt took considerable courage. He first fell ill on 1 November and died a horrible death on 23 November. Afterwards, it was established that he had ingested polonium-210, which is a rare radioactive isotope. It destroyed his bone marrow, other organs and his immune system. Mr Berezovsky had visited him several times in hospital before his death. The funeral took place on 7 December 2006 at Highgate Cemetery.
49. As is well known, attempts were later made by the United Kingdom to obtain the extradition of a Russian citizen in connection with the murder of Mr Litvinenko. Much earlier, however, on 5 December 2006, it was announced by the Russian Prosecutor General, Yuri Chaika, that no Russian citizen would be extradited to Britain. In this connection, I was shown an extract from *Thomson Business Intelligence* confirming that announcement.
50. During that autumn, reports had appeared to the effect that an agreement had been signed between British authorities and the Deputy General Prosecutor of the Russian Federation, Alexander Zvyagintsev, with a view to smoothing the extradition of suspected financial criminals who had fled to London. It was said that Mr Berezovsky was "top of the hit list". He was in no doubt that the Russian authorities were attempting to revoke his refugee status and to renew their application for extradition. Then, shortly after Mr Litvinenko's death, reports began to emerge from Russia to the effect that Mr Berezovsky was to blame for the murder and that his motive was to embarrass Mr Putin.
51. Although he knew about them, Mr Berezovsky did not take these rumours seriously. He did, however, agree to be questioned by the Russian authorities, in the presence of British police officers, and the interview took place on 30 March 2007. It will be noted that this was two days before the broadcast which forms the subject-matter of this libel action. He insisted that the interview should be recorded and that he would have the opportunity to release the record of it if there was any attempt to misrepresent what had taken place. Indeed, one of the allegations on the programme in question was to the effect that he had declined to answer a substantial proportion of the questions put to him. In order to demonstrate that this was untrue, he released the full transcript of the recording, as he was entitled to do, on various websites including that of *Kommersant* and *Compromat.ru*.

*The content of the broadcast of 1 April 2007*

52. I have set out the background at some length in order to put the broadcast in context. It is now appropriate to rehearse the words complained of in the action (as translated into English):

"[**Announcer**] Today's programme in the studio of Andrei Kondrashov: How Berezovsky obtained political asylum

[**Berezovsky**] If I particularly dislike someone, I'll kill him

[**Kondrashov**] A sensational disclosure to *Newsweek* from a well-informed source now under the protection of Scotland Yard.

[**Pyotr**] When they made up their minds to take action, they obviously slipped something into my coffee.

[**Kondrashov**] A new version of the Litvinenko poisoning, he also knew too much...

[Other items in the programme]

[**Kondrashov**] We begin with an event which is hardly the main news of the past week, but it's quite a sensation. A new trail has emerged in the Litvinenko affair; a rather unexpected turn of events. Litvinenko may have been poisoned because he was one of two witnesses to a frame-up which helped Boris Berezovsky to obtain political asylum in Britain. The other witness is still alive, but has been afraid for some time now that he may share Litvinenko's fate, he has requested the protection of Scotland Yard and the Prosecutor General.

My colleague Andrei Medvedev managed to meet up with him in London. He told him how they tried to make him declare himself an FSB agent assigned to kill Berezovsky and how the oligarch escaped extradition as a result. This person, who is now under the protection of the British police, began talks with Berezovsky himself at the same time. Of course, Berezovsky has been interviewed by investigators this week.

[**Caption**]: London, March 30<sup>th</sup> 2007

[**Medvedev**] I assume the mixture of poorly concealed irritation and fear on his face during the press conference was brought on by his interview with the investigator. He was questioned by an English policeman in the presence of a Russian colleague. The questions were sent over to Britain three months ago; they were put to Berezovsky in English and translated into Russian. The oligarch repeats his claim that Alexander Litvinenko was poisoned by Kremlin agents who want to poison him too.

[**Caption**]: Boris Berezovsky. London, March 30<sup>th</sup> 2007

[**Berezovsky**] I considered it essential to meet them, as my sole aim is to find the people who killed my friend. In this case, unfortunately, it has become a personal matter.

[**Caption**]: Archive

[**Medvedev**] The claims about spies, murderers and poison first surfaced four years ago in London. It was actually Alexander Litvinenko who thought up this scare story to save Berezovsky from extradition.

**[Caption]: London, March 2003**

In the Spring of 2003, the British were seriously planning to hand Berezovsky over to Russia. Apparently, it was a matter of months, even weeks. Supposedly, the oligarch was even arrested, then released, with bail set at \$200,000. The only way out was to prove that he was in mortal danger in his homeland.

**[Caption]: London, March 28<sup>th</sup> 2007**

The man we interviewed – let's call him "Pyotr" – is currently under State protection in two countries and agents of Scotland Yard are protecting him at the request of the Prosecutor General of Russia

In 2003 he attended the court proceedings for Berezovsky's case, as he himself was planning to apply for political asylum in Britain. On one of the days in court he met Nikita Chekulín, a friend of the disgraced oligarch at the time.

Chekulín came to the next meeting with a friend who introduced himself as Sasha Litvinenko

**[Caption]: Pyotr, acquaintance of A.Litvinenko, now protected by Scotland Yard.  
London, March 28<sup>th</sup> 2007**

[**Pyotr**] And this Sasha said to me, straight off, "We recognise you. You're a KGB colonel. And I recognise you for sure: you were following me two days ago at Heathrow." And Boris Berezovsky told me – Litvinenko that is – that he'd seen me at the Prosecutor General's Office in Russia and you'd been assigned to make an attempt on Berezovsky's life.

**[Caption]: London, Great Britain**

[**Medvedev**] Pyotr says he tried to explain that no way was he an agent and he was trying to get political asylum himself. Litvinenko replied that it didn't matter. "Confess that you have to poison Berezovsky with a toxin hidden in a fountain pen and we'll pay you two million pounds."

You had to confess to murder?



**[Caption]: Pyotr, acquaintance of A. Litvinenko, now protected by Scotland Yard.  
London, March 28<sup>th</sup> 2007**

**[Pyotr]** Yes, yes, to Berezovsky's murder, and they presented it as if I'd decided not to do this and met up with them and told them all about it.

**[Caption]: London, 2002**

**[Medvedev]** Litvinenko immediately explained that this would be a strong argument for the British court. If they're even trying to kill Berezovsky here, that means he's going to be persecuted for his political convictions and there's no way he should be sent back to Russia.

**[Caption]: Pyotr, acquaintance of A.Litvinenko, now protected by Scotland Yard.  
London, March 28<sup>th</sup> 2007**

**[Pyotr]** They needed my confession to help Boris Berezovsky when his case came to court; to help his lawyers make a sensational announcement, you know, and put Boris Berezovsky in a stronger position so they would not extradite him – that's what they were basically trying to achieve.

**[Caption]: London, Great Britain**

**[Medvedev]** But Pyotr refused. Litvinenko proposed another meeting and increased the payment to 5 million. In all, there were more like ten meetings and the pay eventually went up to 40 million. Pyotr recalled one of the final meetings, in particular. They were sitting in a sushi bar, by coincidence, drinking coffee.

**[Caption]: Pyotr, acquaintance of A.Litvinenko, now protected by Scotland Yard.  
London, March 28<sup>th</sup> 2007**

**[Pyotr]** Litvinenko went to get coffee and we were sitting with Dubov. That evening they made up their minds to take action and obviously slipped something into my coffee.

**[Caption]: London, Great Britain**

**[Medvedev]** "My head started to spin", Pyotr says, "I couldn't concentrate." Litvinenko invited him to meet his lawyer, supposedly for a consultation. The lawyer asked him to explain in detail what Litvinenko was basically proposing. Evidently, they then recorded Pyotr's story on tape.

**[Caption]: London, Great Britain**

**[Medvedev]** And at the end of August 2003, articles appeared in the British press with the headline, "Attempt on Berezovsky's life". The extradition trial was brought to a halt and the oligarch was given political asylum in early September. Soon after, Litvinenko phoned Pyotr and said, "you've got problems, come to my office."

**[Caption]: Pyotr, acquaintance of A.Litvinenko, now protected by Scotland Yard.  
London, March 28<sup>th</sup> 2007**

**[Pyotr]** At our meeting in the office, Berezovsky's lawyer told me, "young man, 70% of Boris Berezovsky's success in obtaining political asylum is down to the information you gave to Alexander Litvinenko." Then I realised that by somehow putting together all sorts of tapes they could send something somewhere and get someone wanting to look into it.

**[Caption]: London, Great Britain**

**[Medvedev]** During that meeting, they again proposed to him: tell people you're an FSB agent and you're planning to kill Litvinenko and Dubov. Pyotr refused and said basically, I don't want to have any more meetings with you.

**[Caption]: Pyotr, acquaintance of A.Litvinenko, now protected by Scotland Yard.  
London, March 28<sup>th</sup> 2007**

**[Pyotr]** Then Alexander Litvinenko went crazy. He grabbed the edge of the oak table and in front of everyone literally banged his head on the table several times, shouting: "Don't you understand that if we don't get this confession, they'll extradite Dubov to Russia and all of us will follow? Alexander Litvinenko rang Berezovsky and started to discuss the situation that had developed and I heard Berezovsky tell him, "Agree to all his conditions".

**[Caption]: London, Great Britain**

**[Medvedev]** But he didn't offer any conditions, he just went home. Then they started making threatening phone calls and watching his flat. In the summer of 2006, he asked the Russian and British authorities for protection. He wrote in his statement that they were trying to poison him. Three months later, Litvinenko died in strange circumstances.

If Pyotr's story is true, then it's clear what the Prosecutor General's investigators meant when they stated that Alexander Litvinenko was a valuable witness for the Russian courts. And it's also clear what is behind the insistence that there's a "Russian trail" in the investigation into the death of the former KGB officer.

**[Caption]: Alexander Zviagintsev, Deputy General Prosecutor, Moscow**

**[Zviagintsev]** The investigation will show what happened. But I am categorically opposed to any sort of speculation during the investigation. We could say with equal justification that the trail leads to London. It is not for nothing that our investigators are working in Britain right now. But that's not what we are saying. As far as our investigation goes, we are being very thorough. We have several lines of inquiry. One of these is a quite sound working hypothesis. But investigation can be an unpredictable thing, so we are following all lines of inquiry very carefully.

**[Caption]: London, Great Britain**

[**Medvedev**] Basically, Berezovsky and everyone hiding from the law in Britain must have been very worried by this. Last week a delegation from the office of the Russian Prosecutor General visited London for the third time in six months. They consulted with colleagues from the Crown Prosecution Service, the Home Office and Scotland Yard. They established that they hold the same positions on the investigation of specific criminal cases and the execution of orders in an investigation and that the English also understand the need to change European conventions on handing over criminals and on legal assistance in criminal cases. These conventions were agreed half a century ago at the height of the Cold War and are hopelessly outdated. The result is that a criminal can now be presented as a political refugee.

**[Caption]: Alexander Zviagintsev, Deputy General Prosecutor, Moscow**

[**Zviagintsev**] As I have already said, we discussed a number of practical issues. In particular, we agreed to conduct a joint study in Moscow, in which members of the Crown Prosecution Service, Home Office and Scotland Yard will take part. To help combat the legalisation of criminal proceeds, we have agreed to conduct a meeting in Moscow with colleagues from other states, to which we will invite members of Scotland Yard. We sensed some interest on the part of the Home Office in signing a memorandum on collaboration between the Prosecutor General of the Russian Federation and the Home Office. We signed a similar document last year with the Crown Prosecution Service.

**[Caption]: Great Britain, March 30<sup>th</sup> 2007**

[**Medvedev**] In a six-hour interview, the investigator asked Berezovsky more than a hundred questions and requested more information on as many points. As Berezovsky did not answer almost half the questions, we can only speculate on which points the oligarch remained silent. The investigators have made no comment.

**[Caption]: Great Britain, March 30<sup>th</sup> 2007**

Incidentally, British politicians announced back in January that the investigation into the Litvinenko affair was about to conclude. But it is still on-going. Evidently, not everything in this affair is clear to the English investigators and they still have an open mind as to who stands to gain from it."

(Mr Berezovsky pointed out that the first words attributed to him, at the beginning of the programme, had been uttered by him sarcastically in the course of a press conference and were not intended to be taken seriously.)

*The defamatory meanings relied upon by Mr Berezovsky*

53. The natural and ordinary meanings relied upon in the particulars of claim are as follows:

- i) the Claimant was a knowing party to a criminal conspiracy to avoid his extradition and obtain political asylum in Britain by procuring a false confession from the so-called Pyotr (first by offering him massive bribes and then, when he refused to comply, by drugging him) that there was an FSB plot to poison the Claimant and hence he would be in mortal danger if returned to Russia; and
- ii) the Claimant had been a party to the murder by poisoning of Alexander Litvinenko because the latter had been a witness to the said conspiracy and the procurement of the false confession from Pyotr; alternatively by his conduct the Claimant had given strong cause to suspect that he had been guilty of doing so; and
- iii) the Claimant had been a party to threats which made Pyotr fear for his life.

*The extent of Mr Terluk's role in the programme*

- 54. There can be no doubt that the First Defendant is responsible in law for the content of the programme as a whole. Also, "Pyotr" would be liable for any defamatory allegations made by him in the course of the interview (subject to any distortion through editing). Issues arise as to whether the Second Defendant was in fact "Pyotr" and, moreover, whether "Pyotr" should be regarded as liable for defamatory imputations not directly derived from his own words. On both these issues, of course, the burden of proof lies on the Claimant.
- 55. Mr Berezovsky and Mr Yuli Dubov are in no doubt that Mr Terluk was the person interviewed. This has never been admitted, although it is difficult to come to any other conclusion. At so many points the events attributed to "Pyotr" in the programme correspond, to a greater or lesser extent, to occurrences involving Mr Terluk.
- 56. For example, Mr Terluk attended hearings relating to Mr Berezovsky's extradition at Bow Street Magistrates' Court on 2 April and 13 May 2003. He also attended meetings during the summer with Mr Litvinenko, including one on the evening of 18 June 2003 in a Japanese restaurant, at which Mr Alex Goldfarb was also present. (Although "Pyotr" suggests on the programme that Yuli Dubov was also present, Mr Terluk now accepts that this was not so.) Later the same evening, they all attended a meeting at the office in Carter Lane of Mr George Menzies. He was the lawyer who had acted for Mr Litvinenko in connection with his application for political asylum. He gave evidence before me in the course of the trial. It is denied, however, that Mr Terluk was pressed to tell a false story, that he was offered money (in any amount) and that he was drugged.
- 57. Furthermore, Mr Terluk appears to accept in evidence given, both in the trial and at an earlier hearing in March last year, that he did attend at the Russian Embassy in London on or about 28 March 2007. He claims, however, that he thought he was being interviewed by someone from the Russian prosecuting authorities rather than by a television interviewer. He denies also having spotted any television camera or recording equipment. That is implausible, not least because of the special lighting arrangements that were made. I received expert evidence from Mr Anderson to the effect that a camera and operator would have been located about six feet behind him and that an obvious microphone would have been placed to his left. There would also have been a powerful light to his left pointing at Mr Medvedev (in fact reflected off his shaven head) and on to the net curtains behind him. This left the back of Pyotr's head in relative shadow.
- 58. This is not the only relevant evidence. Long ago the prosecuting authorities were openly referring in

Russia to Mr Terluk's involvement. I referred to this in my judgment of 31 July 2008 at [12]-[14] in these terms:

"12. ... On 19 March 2008 (within a matter of days of the proceedings being served, following considerable delay, upon the First Defendant), a resolution was issued by the Russian prosecutor and notified to Mr Berezovsky's representatives in Russia which accused him of "false denunciation about a serious crime linked to the artificial creation of prosecution evidence". The essence of the accusation against him is that he created false evidence to bolster his asylum application in 2003 by means of exercising continuous psychological pressure, in the form of threats and bribery, on Mr Terluk. It is said that the purpose of this was to provide the British law enforcement authorities with false evidence to the effect that Mr Terluk, being an officer of the Russian special services, was charged with the responsibility of killing Mr Berezovsky by poison.

13. It will be noted that the commencement of these criminal proceedings took place after a very significant period of delay, following the incidents alleged to have taken place, and that in the resolution no attempt is made to conceal the identity of Mr Terluk. ...

14. There was a second resolution issued on 22 April 2008, with the purpose of extending the time available to the prosecutor's office for the investigation of the crimes to which the 19 March resolution related. This document not only reveals, once again, the identity of Mr Terluk as the person against whom pressure is said to have been brought, but it also identifies him as the person who gave the interview to the First Defendant's television channel. ... "

59. I have no doubt that "Pyotr" was indeed Mr Terluk and that he must have known that he was being filmed and recorded.
60. On the other hand, I cannot be sure that he was a party to the overall message conveyed by the programme. If he was a party to the plan, he could also be made liable for the underlying theme that Mr Berezovsky was behind Mr Litvinenko's murder (or, at least, that there were strong grounds to suspect him of it). But he does not actually say that on the programme. It is true that the interview with him is relied upon in the programme itself by its makers (and the First Defendant) as supporting that central proposition. What Mr Terluk said is supposed to provide Mr Berezovsky with the motive for assassinating Mr Litvinenko. Yet the allegation does not directly derive from his words as broadcast.
61. Mr Terluk seems to me to be accusing Mr Berezovsky, albeit indirectly through others, of having offered him massive payments to tell a false story to help him gain refugee status. He also makes the allegation of drugging. But he does not himself make the suggestion that Mr Berezovsky was behind the murder. He may well have been party to that also, but the evidence does not persuade me of that to the required extent (i.e. a balance of probabilities). It is conceivable that Mr Terluk was persuaded to go along with the interview he gave, with some reluctance, but that he was outside the loop of the programme makers' overall plan to lay the murder at Mr Berezovsky's door. Another possibility is that he was simply doing what he was told.
62. In those circumstances, Mr Terluk can be fixed with responsibility for the first of the defamatory meanings listed above – but not the second.



63. It is also Medvedev, rather than Mr Terluk, who says that " ... they started making threatening phone calls and watching his flat". It is quite possible that the story originates from Mr Terluk, but it is equally possible that it did not. This means that I have to exempt him from liability for the third of the pleaded meanings also. Only the First Defendant can be shown to be responsible for that.
64. So far as Mr Terluk is concerned, therefore, the central issue remaining in the case is whether he can prove on the balance of probabilities that Mr Berezovsky, indirectly through his associates, in particular Mr Litvinenko and Mr Goldfarb, attempted to bully and browbeat him into making a false statement to assist in Mr Berezovsky's asylum claim in 2003. Mr Terluk says that he turned down millions of dollars and refused to have anything to do with it. It was accepted in the course of cross-examination that Mr Terluk had collaborated with the Russian prosecutors in the preparation of his defence. Rather curiously, the defence has never been verified by a statement of truth – even after the court's order on 8 December 2009 that the omission should be rectified.
65. It is important to be clear on one of the central points in Mr Berezovsky's case. He does not allege that Mr Terluk was himself out to kill him or part of a plot to do so. Nor does Mr Dubov or Mr Goldfarb. It is also clear from Mr Litvinenko's full statement of 31 July 2003 that neither did he. They never put it any higher than that he was instructed to carry out certain reconnaissance tasks on behalf of handlers at the Russian Embassy (specifically, Mr Smirnov). Moreover, they only alleged that on the basis of what they say Mr Terluk himself told them (which he, of course, denies).
66. Mr Goldfarb and Mr Litvinenko made contemporaneous statements as to what they had been told by Mr Terluk on, respectively, 4 August and 31 July 2003. In addition, Mr Goldfarb made a statement for these proceedings and gave oral evidence bearing it out.
67. As Mr Goldfarb put it, " ... I did not regard Mr Terluk himself as a direct threat – my assessment was that he was an insignificant figure being used by the Russian Embassy". Mr Terluk did not make a written statement in 2003, although Mr Goldfarb and Mr Litvinenko encouraged him to do so. Indeed, they suggested that an appointment was made for him to come back and see Mr Menzies for the purpose on 20 June 2003. An interpreter would have attended on that occasion. Mr Menzies confirmed that, but said that an English speaking person rang before the meeting was to take place and cancelled it on Mr Terluk's behalf.

*Mr Terluk's interview with Special Branch in September 2003*

68. There is, nonetheless, a brief written record of Mr Terluk's account dating from that period. After an article appeared about a plot to kill Mr Berezovsky in the *Sunday Times* on 21 September 2003, which seems to have been to a large extent inaccurate, two police officers interviewed him. Det. Chief Inspector Rose (then a detective sergeant) gave evidence before me and confirmed the accuracy of his written report summarising his manuscript notes (no longer in existence themselves). That was obtained as a result of an order I made last year for third party disclosure against the Commissioner of the Metropolitan Police. Mr Browne QC submits that it is the single most important document in the case. It is a purely internal police report dated 26 November 2003. It sets out what Mr Terluk had said to him and the other officer (Det. Constable Cadman, now retired). It appears to be consistent with what Mr Goldfarb and Mr Litvinenko were saying at the time. Mr Terluk, therefore, finds himself in the position of having to say that it was a false and twisted account. I see no reason to believe that at all. As Mr Rose himself said, what possible motive could he have for making it up? Moreover, he confirmed in re-examination that he had not seen the earlier statements made by Mr Litvinenko and Mr Goldfarb at

the time the interview took place.

69. The relevant part of the note (some of which was redacted) contains these words:

"1. An article was published in the Sunday Times on 21<sup>st</sup> September which purported to expose a plot to assassinate the billionaire dissident Boris BEREZOVSKY (Attached as *Appendix A*). The article stated that an agent of the SVR / KGB who had been tasked to assassinate him at Bow Street Magistrates Court by stabbing him with a poisoned pen, had lost his nerve and informed Mr BEREZOVSKY of the plot. Police subsequently interviewed the alleged assassin who completely denied his involvement.

2. Vladimir TERLYUK (dob 04/10/51) is a former KGB officer who arrived in the UK on 15<sup>th</sup> Feb 1999 and claimed political asylum. ... He states he is not currently working. His asylum application is still pending and TERLYUK is currently involving his local ... and the Refugee Legal Centre ... on ... in attempting to speed up his application.

3. TERLYUK stated that shortly after he arrived in the UK he had been walking near the park in Camden Town when he had first become aware of two men talking Russian nearby. He went over to the men and began to talk to them. One of these men, who he subsequently developed a relationship with he knew as Mr SMIRNOFF (ph). TERLYUK stated that SMIRNOFF told him that he worked for the Russian Trade Delegation and he supplied him with his telephone contact number there.

4. Their relationship developed over time and one day SMIRNOFF introduced the subject of the review of the extradition of BEREZOVSKY. From previous conversations it was clear to TERLYUK that SMIRNOFF had an extremely low opinion of BEREZOVSKY. The two men arranged to attend the next hearing but SMIRNOFF called TERLYUK the day before to say that he had another commitment and would not be able to attend.

5. They met again after the hearing and TERLYUK stated that SMIRNOFF asked lots of questions in minute detail about what went on at the hearing. He asked about the layout of the building, BEREZOVSKY'S security detail, the general security and how members of the public were shown in and out. TERLYUK attended a total of three hearings, always alone, SMIRNOFF phoning to make his apologies at the last moment.

6. After the last of the three attendances SMIRNOFF was asking about how people were searched when they entered, if they used metal detectors, if they checked inside folders and if they examined pens. It was at this point that Mr TERLYUK claimed that he became very uncomfortable with what was going on and was worried that he was going to be set up as a fall guy for some form of conspiracy.

7. TERLYUK then contacted one of the security officers at BEREZOVSKY'S next court hearing and told him what had happened. He stated that the story in the Sunday Times was not what he had told them and that it had been substantially 'twisted and spun' by the newspaper. He stated that he had never been tasked or asked to carry out an assassination, that although he was a former Russian Intelligence Officer post 1991 he had had no contact with the Intelligence services and that he was not in the employment of the Russian Trade Delegation (KGB).

8. TERLYUK stated that he realised that SMIRNOFF worked for the Russian Security Services and that he was being used by him but he still attended the first three hearings as he was genuinely interested in the BEREZOVSKY case. He denied that he was receiving any form of payment for attending these court hearings.

9. TERLYUK stated that the legal team for Mr BEREZOVSKY had subsequently badgered him for a statement, which would be used to bolster BEREZOVSKY'S asylum application. They offered him legal help with his asylum application in return. TERLYUK stated that he had refused to do this and had consulted his own asylum lawyers who had told him that there was nothing more that could be done to speed up his claim.

10. TERLYUK subsequently re-contacted this Branch on Friday 21<sup>st</sup> November to say that he was being followed by a surveillance team when he went out shopping. Officers subsequently met TERLYUK on Monday 24<sup>th</sup> November to obtain further details. ... Should TERLYUK be subject to surveillance again he has been briefed to call 999 so that a member of the surveillance team can be stopped and spoken to.

11. Mr BEREZOVSKY is a multimillionaire who has a very large security entourage and a substantial reputation in the Russian community for paying for information / intelligence and has very strong motivation for uncovering plots to assassinate him as this will assist his efforts to avoid extradition. BEREZOVSKY currently has indefinite leave to remain in the UK but has not been granted citizenship.

12. Mr TERLYUK is a former KGB/FSB and is a very sharp minded and intelligent man. He has stated that he accepted taskings from the Russian Security Service and he has passed this information on to BEREZOVSKY'S team. He denies taking any payment for any of this but does not work and lives in a well-appointed semi-detached house ...

... "

It is to be noted that there is no record of Mr Terluk making any complaint to the police officers of the bullying and bribery attempts that he now raises in this litigation. Nor did he mention anything about being given psychotropic substances.

70. What Mr Terluk says now about that statement is that it is bogus and probably manufactured by the police to help Mr Berezovsky. Although he knew a Mr Smirnov, who he had bumped into a few times while out for walks in the park, he only ever talked to him about such innocent matters as the best way of transporting furniture to the Ukraine in containers.
71. Before I go on to consider the events of the summer of 2003, it is necessary to introduce briefly two other associates of Mr Berezovsky, who participated in those events and gave evidence in the course of the trial.

*Mr Alex Goldfarb*

72. Mr Alex Goldfarb was, before his retirement, a professional research scientist specialising in experimental biology. He was born in Moscow in 1947. Having graduated from the University of Moscow in 1969, he emigrated to Israel in 1975 and obtained a PhD in biochemistry from the Wiseman



Institute. Thereafter, he worked at the Max Planck Institute in Munich between 1981 and 1982. Next, he moved to New York, where he worked from 1982 to 1992 as a professor at the Department of Microbiology at Columbia University. Meanwhile, he became a citizen of the United States in 1987. He is the author of over 70 research papers in his subject.

73. He told me that throughout his life he had been involved in the Russian democracy movement. He was an anti-Soviet dissident and, after the collapse of Communism, he became a pro-democracy activist. He described himself as a "close associate" of Andrei Sakharov, who was a Nobel Peace Prize laureate.
74. It seems that between 1987 and 2000 he advised Mr George Soros on Russian affairs and directed a number of his projects in Russia concerned with promoting democracy. One of his tasks was to become involved in a project intended to improve conditions in Russian prisons and in pre-trial remand centres. Since January 2001, he has been the executive vice-president of the International Foundation for Civil Liberties, founded by Mr Berezovsky, who is also the chairman of its board. It is registered as a corporation in New York.
75. It was in the course of his work for Mr Soros that Mr Goldfarb first met Mr Berezovsky in May 1995. He has been friends with him since that time.
76. Mr Goldfarb was also instrumental in assisting the escape, through Turkey, of Mr Litvinenko and his family in October 2000. He arrived with them in England on 1 November of that year. He told me that he had not been back to Russia since that time because his assistance to Mr Litvinenko might render him "a potential target for the Russian Intelligence Service".

*Mr Yuli Dubov*

77. I need also to introduce Mr Yuli Dubov, who is a long-standing friend and associate of Mr Berezovsky, having known him since May 1972. He was also a friend of Mr Litvinenko. He was born in Moscow in 1948 and has lived in London since 2002. He obtained refugee status and indefinite leave to remain shortly after Mr Berezovsky, on 30 September 2003.
78. Having originally worked with Mr Berezovsky in the Institute for Control Sciences, he was also a colleague in Logovaz, of which he was General Director between 1995 and 1999. He is closely associated with him on a number of political projects as well as in business. He denied in cross-examination by Mr Terluk that he was an employee of Mr Berezovsky. He described himself as self-employed, although his clients include Mr Berezovsky and/or companies with which he is associated.
79. With those brief introductions, I shall now turn to the sequence of events during the summer of 2003, as to which there is something in common between the parties but also a great deal in dispute.

*The Bow Street hearing on 2 April 2003*

80. Mr Terluk accepts that he attended a hearing at Bow Street Magistrates' Court on 2 April 2003, followed by a press conference given by Mr Berezovsky at the Meridien Hotel in Piccadilly. The following day he attended an Economic Forum, at which Mr Berezovsky was also present. Mr Browne invites the inference that he was taking a close interest in Mr Berezovsky, for one reason or another. Mr Terluk, however, says that he was interested in the court proceedings because he might learn something of value in connection with his own asylum application. This is not very compelling, since his

command of English would not enable him to follow the proceedings. Nor would it provide an explanation for following Mr Berezovsky to the press conference or coming along next day to the Economic Forum.

81. On occasion, Mr Terluk has claimed that he attended the court hearings on the recommendation of a friend called Susanna. The account seems to have varied, however, from time to time. He told me on the penultimate day of the trial that, at last, he had made contact with her and that she would be able to come on the morrow. She would confirm that she had thought it would be helpful if he attended because Mr Berezovsky had taken proceedings against the Home Secretary to help speed his asylum application. She apparently suggested that Mr Terluk might do likewise. The story does not quite stand up, however, because Mr Berezovsky had not sued the Home Office. Unfortunately, Susanna developed a cold overnight and was unable to attend.
82. Another difficulty about it is that a different account was given by Nikita Chekulin. This matters because Mr Terluk relies himself upon evidence from Mr Chekulin (in writing, as he was unable to obtain a visa to attend in person). What Mr Chekulin said on a television programme broadcast on 19 March 2006 by NTV was that Mr Terluk attended court in the hope of striking up an acquaintance with somebody in Mr Berezovsky's entourage. "He needed money". If true, of course, that would lead one to suppose that he would wish to give the "entourage" the impression that he had information of value to offer in exchange.
83. This is not the only mention of a financial motive for attending the court hearings. Mr Chekulin had earlier promulgated the same story during an interview with Alexander Khinstein published in Russia for the purpose of debunking Mr Berezovsky on his 60<sup>th</sup> birthday (23 January 2006). It is headed as "The story of how Berezovsky found himself 'a killer' and got a (*sic*) political asylum". In the course of the interview, Mr Chekulin was asked why "Teplyuk" as "a petty businessman from Kazakhstan" should have attended the court hearings. He replied, "I asked him. He explained that it was his friend that advised him to find ways to approach Berezovsky. She said that he was a rich man, there were many people around him and maybe something would come his way. In principle it looks like truth. As I see Teplyuk, he was a typical adventurer, the adventurer without money at that". Furthermore, Mr Khinstein brought copies of one of his books to court. It was entitled "Oligarchs from the Highway" and published in September 2007. At p.574 he wrote (as translated): "... [Terluk] confessed that one of his lady friends advised him to try and find some approach to Berezovsky ... Maybe you also could get something". This was a reference back to the interview with Mr Chekulin the previous year. A little later in the book, he also cites Mr Chekulin as saying that "Teplyuk" had attended the hearings to become a part of Berezovsky's circle and that he was prepared to communicate with Mr Litvinenko because he understood that he might be useful.
84. In all the circumstances, I have concluded that the primary reason for Mr Terluk's attendance at the court proceedings in April and May 2003 (and indeed the press conference of 2 April and the Economic Forum of 3 April) was to meet one or more of Mr Berezovsky's associates in the hope of making them believe that he could be of use or interest to them. That is why he recounted the story about being tasked to reconnoitre the security arrangements at Bow Street. It is a separate issue whether that story was true or whether it was merely a way of arousing their interest in him. He can be seen hanging around in the background of photographs taken outside the Magistrates' Court. But there seems to have been no direct engagement with him until the later hearing on 13 May.

85. Nevertheless, he did strike up a conversation on 3 April with a journalist who also appears in some of the photographs. He is called Mr Kara-Murza and worked for *Kommersant*. He was interviewed by Mr Lomovtsev, one of the prosecutors, on 5 June 2009. The record was introduced by way of a Civil Evidence Act notice. What he recounted was that Mr Terluk approached him and asked him how he might arrange a meeting with Mr Berezovsky. Mr Kara-Murza responded that he would be better advised to approach one of his entourage. When he asked who Mr Terluk was, he answered, "I am from structures close to the Kremlin". That would appear to be consistent with the story he later told Mr Berezovsky's associates. Mr Browne asks me to infer that the reference to "structures" can only be to the Russian security services.

*The events of 13 May 2003*

86. It seems that Mr Dubov first noticed Mr Terluk on 13 May 2003 at Bow Street Magistrates' Court, where proceedings were taking place in relation to both Mr Dubov's and Mr Berezovsky's pending extradition proceedings. On that occasion a journalist pointed out to Mr Dubov the person who subsequently was identified as Mr Terluk, as he was sitting in the front of the courtroom. The journalist enquired who he was, but Mr Dubov at that stage was unaware of him. According to his own evidence, this was an occasion when Mr Terluk's conduct or demeanour attracted the attention of a security guard who asked him to produce some form of identification.
87. Later that day, Mr Berezovsky received a call from Mr Nikita Chekulín and passed the phone to Mr Dubov. At that time, Mr Chekulín seems still to have been an associate of Mr Berezovsky. As I mentioned before, he had been one of the participants in the press conference about the apartment bombings in March 2002. Later, in April 2004, he returned to Russia, since when he has taken a stance rather hostile to Mr Berezovsky. It appears that Mr Chekulín was asking that evening for someone to go with him to a meeting with the man who had been seen in the courtroom (i.e. Mr Terluk). He seems to have been apprehensive about meeting him alone. Mr Chekulín asked Mr Dubov to accompany him and he agreed.
88. Mr Dubov's account is that he and Mr Chekulín met near a church close to Hyde Park, outside Mr Chekulín's then home, and went on to a Thai restaurant near the Edgware Road. There, they met Mr Terluk who introduced himself, according to Mr Dubov, as "Vladimir Tepluk". Mr Chekulín's son was also present.
89. Mr Terluk's version of events is somewhat different. He says that, as far as he was concerned, the purpose of the meeting was to discuss transporting furniture from England to Russia. He had no idea that Mr Dubov was coming, regarded him as unwelcome and thought that he had simply elbowed his way in. There is, of course, not necessarily any inconsistency between these two stories. That might very well have been Mr Terluk's perception of events, since he was not a party to the conversation between Mr Dubov and Mr Chekulín; indeed, there is no reason why he should have known of the prior arrangement. As this appears to be the first meeting between Mr Terluk and any of Mr Berezovsky's associates, and it is the subject of dispute, I propose to set out Mr Dubov's account of what took place from his written statement, and as he later repeated it in the course of cross-examination:

"During the dinner, [Mr Terluk] told us quite freely his life story and information about his life in London. What he said made me think that [Mr Terluk] had connections with the KGB, or at least that he wanted it to appear to us as if he had such connections. [He] said

that he came from a family of political convicts and that his grandfather and the whole of his family had been sent to the labour camp at Magadan. [He] told us he had been born there and that after Stalin's death, [his] family were not allowed to go back to where they had come from and instead were sent to Kazakhstan. [Mr Terluk] also told us that he was then employed in the Administrative Office of the Council of Ministers (the government) and the Central Committee of the Communist Party of Kazakhstan. I was aware that this office was very important and was responsible for everything that could be needed by top Party officials including things like apartments, transport, telephones, aeroplanes, train tickets, medical treatment, books and theatre in Kazakhstan. Whatever there was a shortage of in the Soviet Union, this office had access to it because it provided these things to Government Ministers. For this reason, it was not a job given to just anybody from the street and I was aware that in order to get such a job, you needed someone high in authority and clearance from the KGB to help you get there. For someone with [Mr Terluk's] family history, it would be absolutely impossible to get KGB clearance unless he was already employed by them. In my experience, people in these sorts of positions were members of the KGB."

90. According to Mr Dubov, Mr Terluk also told them something of how he had come to London in 1999 and thereafter applied for political asylum. He said this was because he had information about crimes committed by officials in Kazakhstan and believed that several attempts had already been made on his life. He also gave some details as to where he was living and his monthly rental. The reason he gave for attending the extradition hearings at Bow Street was that he himself was hoping to be granted asylum and was interested in the proceedings for that reason.
91. Mr Dubov said that he had no particular interest in Mr Terluk, as he had only attended at Mr Chekulin's request because he thought that he was wary of him. But he concluded that Mr Terluk had indeed worked for the KGB or, at the very least, that he was anxious for some reason to convey the impression that he had done so.
92. It is interesting that Mr Chekulin has published a book (*The Oligarch's Secret*) in which he gives his account of this Thai dinner. It is consistent with Mr Dubov's account, in the sense that both recall Mr Terluk mentioning Mr Brezhnev. The suggestion seems to have been that Mr Terluk was involved in organising hunting parties for Communist Party grandees including Mr Brezhnev. This was also described by Mr Chekulin in one of his interviews with the prosecutors (dated 18 January 2010). As Mr Dubov pointed out in the witness box, no one would have been allowed anywhere near guns in the presence of Mr Brezhnev unless he was KGB or KGB approved. What Mr Terluk now says is that he was merely in the kitchens and would have seen the game only at the stage when it was ready to be cooked. Be that as it may, it appears that he was making rather different claims on the night in question. I take particular note of the similarity between Mr Dubov's account and that of Mr Chekulin.
93. Mr Dubov was keen to leave the dinner rather early because he had guests staying, but when he left Mr Terluk followed him outside and asked for his mobile phone number. He declined to give it but suggested that if he wanted to speak to him he should ring him on the office number. That already appeared to be recorded in Mr Terluk's notebook. When he left to hail a taxi, Mr Terluk again followed him and stayed close beside him. Mr Dubov said he felt uncomfortable and formed the view that he was trying to overhear the address that he gave to the driver. He therefore simply told him "Hyde Park Corner" and left.

94. I should add that I reject the suggestion made by Mr Terluk that Mr Dubov was "the worse for wear" on this occasion. Mr Chekulín claimed in his interrogation of 18 January this year that Mr Dubov ordered a bottle of "dry wine" which he drank entirely by himself. He also added that he was not sober even when the meeting began. Mr Dubov denied this. It seems to be contrary to the probabilities, given (a) the purpose of his attendance that evening and (b) the fact that he had guests waiting for him at home.
95. When these events were reported by Mr Dubov to Mr Berezovsky, he suggested that Mr Litvinenko should "check him out", as he had experience of the KGB and would be better able to find out more about him. According to Mr Dubov, Mr Terluk rang him a few days later and asked if he wanted to help him write a book about his (Mr Terluk's) life story. Mr Dubov was not interested and the conversation ended there. He had nothing further to do with Mr Terluk directly until January 2006 (a matter to which I shall return later).

*The first meeting with Mr Litvinenko*

96. The next event in this sequence took place a few days later at a pizza restaurant near Piccadilly Circus (probably on 21 May). It was attended by Mr Chekulín, Mr Terluk and Mr Litvinenko. According to Mr Litvinenko's statement, by the time he arrived (deliberately a little late) Mr Terluk was trying to interest Mr Chekulín in setting up a business selling trainers to Kazakhstan. As Mr Litvinenko sat and listened, the conversation about business "gradually withered and stopped". Mr Litvinenko then asked Mr Terluk what he really wanted and why it was that he had attended the court hearings. When Mr Terluk said that the proceedings were interesting to him, Mr Litvinenko raised the point that Mr Terluk did not speak very good English. Even now, seven years later, Mr Terluk requires everything to be translated. It is, therefore, not easy to understand how he could follow English court proceedings at that time. Mr Litvinenko also told Mr Terluk that he regarded his behaviour as somewhat suspicious, at which Mr Terluk said that he wished to consider his position. Mr Litvinenko invited him to make contact as and when he had done so.
97. At paragraph 2.9 of his defence, Mr Terluk alleged that on this occasion Mr Litvinenko offered him dozens of millions of dollars to make a false statement to the effect that he was involved in a Russian plot to kill Mr Berezovsky. There was also supposed to be mention of a house, cars and employment by Mr Berezovsky. The accounts given of the offers, and in particular the amounts of money involved, have differed significantly from time to time. Mr Browne submits that this in itself undermines the credibility to be attached to them. The sums involved have fluctuated from £2 million to £40 million and then again to 50 million dollars. In the interrogation of Mr Chekulín by the prosecutors on 22 January 2010, he alleged that Mr Litvinenko told Mr Terluk that if he co-operated "he could choose any house he liked in London and he would be supported by money".
98. Since Mr Litvinenko's brief at that stage was to "check out" Mr Terluk, it seems more likely that he would be feeling his way and trying to find out what story he had to tell. It does not seem plausible that, simply out of the blue, he would suddenly offer millions of pounds (or dollars) for a manufactured story.

*The second meeting with Mr Litvinenko at Café Nero*

99. Eventually, after a few failed attempts, Mr Litvinenko and Mr Terluk again spoke on the telephone and arranged to meet in early June at Café Nero near the Meridien Hotel on Piccadilly. On this occasion,



according to Mr Litvinenko's statement, Mr Terluk told him that he had attended court on the instructions of an intelligence officer from the Russian Embassy. He said that he had made an asylum claim, although in a different name, and that he was not himself an intelligence officer. Mr Litvinenko was told that Mr Terluk's main handler at the Embassy was Mr Alexander Smirnov, but he declined to give the name of his superior. He had been instructed to attend court and to establish contact with someone close to Mr Berezovsky. He added that he had served the KGB and its successor organisations for many years, not as an officer, but rather as a "civilian collaborator". Mr Litvinenko recorded that Mr Terluk claimed to have been in charge of the department which ran meetings between the Communist Party and foreigners. He showed a series of photographs, including one of him (Mr Terluk) driving Mr Brezhnev in his car.

100. This is a curious little episode and, although apparently rather trivial, may be revealing. Although I thought Mr Terluk denied Mr Litvinenko's account, there came a point in the trial when copies of various photographs were produced from the files of the Russian prosecutors, including one of Mr Brezhnev being driven in an open car. It is not possible to identify the driver because of sun reflecting off the windscreen, but I understood that the purpose of introducing this was to confirm that Mr Terluk had indeed produced such a photograph to Mr Litvinenko. If so, it would surely confirm Mr Litvinenko's impression that he was wishing to establish his KGB credentials (whether genuine or not). It would appear to be the second time that Mr Brezhnev's name was dropped into Mr Terluk's conversation.

101. Mr Litvinenko, like Mr Dubov, formed the view that Mr Terluk was someone with long-standing links to the Russian intelligence service. One might well query why a genuine asylum seeker in London should be working for the FSB – a point raised by Mr Terluk himself. Mr Litvinenko gave the following explanation:

"I was not surprised that a person who was in the United Kingdom seeking political asylum in respect of Russia had nonetheless been recruited by the Russian Embassy. From my knowledge and experience this is not a surprising tactic because such a person is a perfect choice in terms of deniability (that is to say, if anything goes wrong with a particular operation, the Embassy can deny having anything to do with the individual and his activities)."

102. Mr Litvinenko pressed Mr Terluk as to the information in which his handlers appeared to be interested. He apparently replied that they were interested in everything about Mr Berezovsky and that they were also interested in Mr Goldfarb and Mr Litvinenko. He also mentioned another well known dissident, Mr Bukovsky. One detail he was given by Mr Terluk was that on a particular occasion someone had casually approached Mr Bukovsky, apparently to strike up a friendship, who was actually working for the Russian intelligence services. He therefore contacted Bukovsky and enquired whether this was so, by way of cross-checking Mr Terluk's *bona fides*. Mr Bukovsky confirmed that this information was entirely correct but that he had not appreciated that the individual was connected with the security services.

103. He also pressed Mr Terluk (so he said) as to what it was that the handlers wanted of Mr Berezovsky. At this, Mr Terluk showed him a photograph of a group of special force snipers, wearing camouflage and holding sniper rifles. He told Mr Litvinenko that the photograph was taken at a training camp. Mr Litvinenko asked directly whether he was suggesting that Mr Berezovsky's life was in danger, but at this point Mr Terluk became "visibly uncomfortable" and avoided giving a direct answer. Mr

Litvinenko said that he brought the meeting to an end and decided that, if another meeting took place, someone else should be there with a recording device. Also, he wanted to consider his own position and whether or not Mr Terluk was involved in an attempt to set him up as well.

104. This episode was echoed in the trial when, as I have said, the prosecutors produced a selection of photographs. Apart from the one of Mr Brezhnev, there was one of young people with guns. The object was apparently to demonstrate that there was nothing sinister about them. The prosecutors clearly thought that idea very droll. They were not snipers but harmless students enjoying themselves. Wherever the truth may lie on this point, the only reason for producing it must have been to confirm that it was shown to Mr Litvinenko. If so, it is difficult to understand in the context why he would be shown a photograph of cheery students with guns and dressed in fatigues – unless it was intended in some way to confirm Mr Terluk's credentials.
105. When Mr Litvinenko reported back on his meeting with Mr Terluk, Mr Berezovsky's response was apparently to enquire whether the man was "a nut". Mr Litvinenko's assessment was that this was unlikely and that no chances should be taken. It was decided that he should meet Mr Terluk again, accompanied by Alex Goldfarb, so that he too could make an assessment.

*The Leicester Square meeting on 16 June 2003*

106. On 16 June 2003, Mr Terluk, Mr Goldfarb and Mr Litvinenko met near the Odeon Leicester Square and went to a nearby Starbucks. Mr Goldfarb was apparently late and Mr Terluk and Mr Litvinenko sheltered from the rain while waiting for him. Mr Litvinenko decided to let the conversation go wherever Mr Terluk wanted, but he had by this time decided against attempting a tape recording. He was reluctant to frighten him off. He set out, however, in his statement how Mr Terluk gave further information about his instructions from his handlers at the Embassy. The extradition proceedings were to be carefully monitored. "He then said that if things went badly, the plan was to kill Berezovsky."
107. Apparently, Mr Terluk described his most recent meeting with Mr Smirnov, who had instructed him to attend at the Magistrates' Court on 30 June for a hearing in a case concerning Mr Zakayev, another dissident. He was to observe the procedures for gaining admission to the court, the security checks, the layout of the building and whether smoking was allowed. He was also asked to keep an eye on the parts of the building where journalists were permitted to gather. As a result of this conversation, Mr Litvinenko said that he warned Zakayev and his assistant Abdulaeva to be more vigilant.
108. It seems that the most critical piece of information imparted to Mr Litvinenko (still before the arrival of Mr Goldfarb) was that Mr Terluk had received instructions to take into the court, on 30 June, a packet of ballpoint pens and a sealed packet of cigarettes. They wanted to establish whether he would be allowed to take these in with him and/or whether they would examine the pens closely or open the packet of cigarettes. Mr Terluk had been told that the object was to see whether there was a place within the court building where someone, perhaps posing as a journalist, would be able to get sufficiently close to Mr Berezovsky to drip fluid from the pen on to his clothing or a shoe and then to light a cigarette. The intention was to blow smoke in the direction of the liquid.
109. At this point Mr Goldfarb arrived. The three men went into the café and Mr Terluk gave a brief summary to Mr Goldfarb of what he had already told Mr Litvinenko, without mentioning the ballpoint pens or cigarettes. Mr Goldfarb had rather assumed that Mr Terluk was after financial help of some kind and told him that he could not make any payment, although it might be possible to assist with

legal representation and legal fees. This is a service regularly provided by the Foundation run by Mr Berezovsky and Mr Goldfarb. Mr Terluk, however, said that he was not interested in financial support, but rather wanted to extricate himself from his involvement with the Russians. The meeting then broke up because Mr Goldfarb had to leave, and they agreed to meet again on another occasion.

110. When Mr Litvinenko was walking down the road with Mr Goldfarb, he recalled what Mr Terluk had said about the ballpoint pens and cigarettes. Mr Goldfarb was apparently startled at this and asked if Mr Litvinenko realised its significance. Mr Goldfarb, in the light of his professional knowledge and experience, pointed out that the introduction of smoke could be a catalyst for a binary action poison. He suggested to Mr Litvinenko that there should be another meeting with him present, so that he could hear Mr Terluk's account for himself. In the light of this information, he also warned Mr Berezovsky to take greater precautions over his security. Then he made contact with one of Mr Berezovsky's legal advisers, who said that this should be brought to the attention of the police – whether or not Mr Terluk was prepared to provide a statement.

*The meeting at the Japanese restaurant on 18 June 2003*

111. Thus it came about that on 18 June Mr Goldfarb, Mr Litvinenko and Mr Terluk foregathered at a Japanese restaurant in Soho. In his witness statement of 4 August 2003, Mr Goldfarb summarised his recollection of Mr Terluk's story in these terms:

"In the Soviet times Vladimir worked in the Protocol Department of the Council of Ministers, and worked covertly for the KGB with a codename and secret ID number. His work for the KGB lasted for well over a decade.

After the collapse of the Soviet Union, his relationship with the KGB stopped and he went into private business.

In the course of his business activity he ran into trouble with some powerful interests and had to flee from imminent arrest.

He arrived in the UK some years ago and applied for asylum. His wife and children were with him and he had no close relatives in Russia. By the time of our conversations, his asylum application was still pending and there had been no interview or word from the Home Office.

About six months into his stay in London, he met with a Russian diplomat; he could not say whether this meeting was accidental or deliberate. In a conversation he gave the diplomat his name.

After a while, the diplomat contacted Vladimir. When they met again, the diplomat gave him his codename and secret ID number and asked him to work for 'his motherland' or else the Russians would see to it that he goes back home. However, if he co-operated, they would help him with asylum through their own people at the Home Office.

Over three years he has done 'many assignments' for his handlers, for which he was paid. His last assignment was to attend all Berezovsky and Zakayev events.



He confirmed that he stood close to me in an elevator at the Russian Economic Forum, as I was leaving the building after Berezovsky, and I clashed with Russian spokesmen at the session on Press Freedom.

He said that his assignment was to study approaches to Mr Berezovsky's person, to see whether he was shielded from physical contact with well-wishers by his security detail, to have a general plan of the courthouse, particularly the toilets, etc. From his description of this activity, it appeared that he had some training of this kind of operation.

He essentially confirmed what I heard from Alexander Litvinenko about the ballpens and the cigarettes."

112. Mr Goldfarb recorded in his statement that this "confirmed my alarm". He asked Mr Terluk whether he knew the implications of what he had told him and he appeared to appreciate that "this could be a preparation for a hit using poison". He enquired whether he had worked this out for himself or whether he had been told by his handlers. He replied that when he had asked his Embassy contact a direct question about this, he was told "We are not God. We are not the ones who decide".
113. Although Mr Terluk accepts that he was present on this occasion in the Japanese restaurant, he denies that any conversation of this kind took place. He recounts the events as though it were simply one more attempt to pressure him into giving a statement for use in Mr Berezovsky's claim for asylum.

*The visit to Mr Menzies' office*

114. At all events, both sides agree that after the meal in the Japanese restaurant they attended a meeting in Carter Lane with Mr George Menzies (the solicitor who had advised Mr Litvinenko in connection with his asylum claim two years earlier). After the meal was over, Mr Goldfarb and Mr Litvinenko took Mr Terluk to the office by cab. There is a dispute between the witnesses as to whether this meeting began at about 10 p.m. or at midnight. At all events, Mr Menzies had invited them to come round when they rang his mobile because he happened still to be working late at his office that night. There was no interpreter present, and Mr Goldfarb claims that he relayed what Mr Terluk was saying to Mr Menzies, with a view to obtaining his advice and possibly at some point taking a full statement from Mr Terluk. Mr Terluk does not accept that Mr Goldfarb gave Mr Menzies an accurate account of his story. He claims that they stayed there from midnight until 3 in the morning. Mr Menzies, on the other hand, was quite sure they did not leave after midnight. He thought the meeting took place between approximately 10 o'clock and 11.30 p.m. The timing probably does not matter a great deal.
115. As I have said earlier, there was a tentative arrangement apparently for Mr Terluk to return to Mr Menzies' office on 20 June, by which time it was hoped that an interpreter could be arranged, with a view to making a statement. This was in accordance with Mr Menzies' advice. But it was cancelled and the meeting never took place. Mr Browne has suggested that the reason for this was that Mr Terluk received on 19 June a letter from the Home Office inviting him to an interview in connection with his asylum application on 30 June. He would not wish to put his prospects of asylum in jeopardy. That may or may not be so. I am not prepared to speculate.
116. A rather curious aspect of this evening is that Mr Terluk has claimed from time to time (as, of course, did "Pyotr" in the television programme) that he may have been drugged by Mr Goldfarb and Mr Litvinenko. It seems, on the other hand, that this claim was made at a time when Mr Terluk believed

that there might have been a secret recording made of the conversation. It may be, therefore, as Mr Browne QC submits, that this was merely a false story to explain how he came to make any incriminating remarks that might show up on the record. No such recording was made, however, and that would have become apparent following disclosure of documents. Accordingly, the need for this account of drugging with psychotropic substances has receded into the background. Indeed, it was not mentioned in Mr Terluk's statement of 16 November 2009.

117. Before that stage was reached, however, Mr Terluk appears to have gilded the lily by claiming to have told his GP (Dr Lopes) about the possibility of drugging back in the autumn of 2003. When ordered to disclose the relevant medical notes, he was unable to offer confirmation. The explanation for this became rather complicated. He eventually said that he tagged along to one of his wife's consultations and, as there were a few minutes to spare at the end, he took the opportunity to mention it to the doctor then. This was supposed to account for why no note was made of it. I am afraid I do not believe any of that. It should be noted, however, that at one stage, in his much earlier witness statement of 30 November 2006, he went so far as to allege that Mr Litvinenko had secretly "spiced" (or "spiked") his drinks during *every* conversation with him.
118. Mr Goldfarb recalls how, at one point in the evening, Mr Terluk asked whether it would be worthwhile him meeting his handlers again in an attempt to obtain more corroborative evidence. But Mr Goldfarb said that they did not wish to become involved in any way in activity directed against a foreign embassy. Mr Menzies suggested that he knew a retired MI5 officer, who was a consultant, and wondered whether he should seek his advice. According to Mr Goldfarb, Mr Terluk became very enthusiastic at this point and said that he wanted to have the opportunity of speaking to this person and obtaining advice. Mr Menzies suggested that this would only be of any use if a written statement had been obtained first.
119. All of this Mr Terluk denies. Ms Margiani, his McKenzie friend, told the court during the trial that at this meeting "Mr Terluk insists that he never ever said anything". This, of course, lies uncomfortably with his assertion that he might have said things under the influence of drugs. He says that he could not understand why he was there at all and certainly had no interest in meeting a retired MI5 officer. There is an outright conflict, as so often in this case, between the witnesses. In the end, nothing was achieved by the meeting at Mr Menzies' office.

*Mr Terluk agrees to a further meeting with Mr Litvinenko on 3 July 2003*

120. Mr Terluk was unable to attend the Magistrates' Court hearing on 30 June, relating to Mr Zakayev, because he had to go to the meeting with the Home Office in Liverpool in connection with his asylum application. It was at about this time that Mr Litvinenko read in a newspaper of the death, from suspected poisoning, of Mr Berezovsky's political ally Mr Shekochikin. For this reason, he says, he arranged to meet Mr Terluk on 3 July at between 5 and 6 p.m., again in the vicinity of Piccadilly Circus. On this occasion Mr Litvinenko told him that he did not want the same to happen to Mr Berezovsky and asked him whether he was "on the level". Mr Terluk confirmed that he had been entirely serious in what he had said about his instructions to reconnoitre at the Magistrates' Court. He told Mr Litvinenko that Mr Smirnov had been displeased that he had been unable to attend on 30 June at Bow Street because the "preparations had been completed".
121. Once Mr Terluk had confirmed to Mr Litvinenko that his account was truthful, Mr Litvinenko repeated that it was necessary for him to take this information to the police, but Mr Terluk was reluctant to "rock

the boat" in relation to his asylum application – especially at that point, when he was optimistic that it would shortly be decided in his favour. He confirmed to Mr Litvinenko that, if the police approached him for an account, he would tell them the truth. On the other hand, he repeated that he was anxious not to do anything at that point to prejudice his pending application. He asked Mr Litvinenko to hold off until a decision had been made. At that stage he would be happy to clarify things with the police.

122. Mr Terluk's angle on this is quite different. He asks, rhetorically, why Mr Goldfarb and Mr Litvinenko were delaying in going to the police if he really had told them that an assassination plan was in the offing.

*The meeting at Marble Arch on 30 July 2003*

123. At all events, there was further contact on or about 30 July 2003, when Mr Litvinenko attended the offices of Gherson & Co near Marble Arch to discuss his evidence in the Berezovsky case with someone from the firm, which was at that time acting for Mr Berezovsky. He was asked there whether it would be possible to try and make contact with Mr Terluk in order to see if he would make a statement. He telephoned him and arranged a meeting at Marble Arch at around 6 p.m. He had hoped that he might come round the corner with him to the offices of Gherson & Co to make a statement. He was accompanied by Mr Joe Levto, who had been acting as an interpreter for Mr Litvinenko during the course of his meeting. Mr Levto gave evidence before me in the course of the trial and recalled the events of that evening.
124. Mr Litvinenko, according to his statement, sought to persuade Mr Terluk to come to the office and to make a statement, since the decision had been taken that he would go to the police anyway and inform them of what Mr Terluk had said. He was disinclined to do anything immediately. Mr Levto told me that he was present throughout the conversation until the end, when Mr Litvinenko and Mr Terluk went round the corner out of sight. It was on this occasion that Mr Terluk told Mr Litvinenko that his two "friends" (i.e. Mr Smirnov and his superior) were being sent back to Moscow. For this reason, Mr Terluk sought to reassure Mr Litvinenko that the situation was not as serious as he had previously thought. The two Russians were to leave on 1 August 2003 because, according to Mr Litvinenko's understanding, the British authorities had given them the choice of returning quietly or being expelled.
125. Mr Litvinenko, therefore, thought it all the more important to obtain a statement from Mr Terluk immediately, because he had it in mind to inform the police before the two Russians left on 1 August. This brought a degree of urgency to the matter. Mr Litvinenko was concerned that if Mr Smirnov and his colleague went back to Russia, they would only be replaced by another pair of would-be assassins. Mr Goldfarb gave evidence to the effect that he carried out some checks and discovered that a Russian diplomat called Smirnov had left London, although somewhat later than 1 August. His impression was that he left after publication of the *Sunday Times* article of 21 September 2003 (which led to the Special Branch interview with Mr Terluk).
126. Mr Terluk suggested that this meeting at Marble Arch was in some way disreputable and that it was unprofessional of Mr Levto to have taken part in it. Mr Levto saw nothing wrong with it and I do not understand the complaint either.
127. Mr Browne points out that it would be very odd, if there were any truth in the drugging allegations, that Mr Terluk should have voluntarily presented himself for further meetings with Mr Litvinenko on 3 and 30 July.

*Mr Terluk's evidence of a later meeting with other lawyers*

128. Mr Terluk put to Mr Levtov also that he had been present at another meeting, placed by him variously between 24 and 27 September 2003, when he and Mr Litvinenko had taken him in a cab from Marble Arch to a different lawyer's office, somewhere in the City and not far from the river. Originally, it was pleaded (at paragraph 2.12 of the defence) that this occurred at Mr Menzies' office, but this allegation was withdrawn shortly before trial. It was said to be simply a mistake. There is no precision as to where or when this second meeting took place, or as to who was present. Since the date, the place and the name of the firm are not supplied, the story is impossible to check. It was said that further pressure was exerted on him at this meeting.
129. Mr Levtov denies that any such meeting took place in the premises of a different firm of solicitors. A vivid description was given by Mr Terluk in the course of his cross-examination of Mr Levtov, in which it was suggested that Mr Litvinenko had banged his head on the table or, at least, if he did not bang his head on the table, there was definitely the sound of flesh on wood. He further described how at various points in the meeting two other, unidentified, lawyers were present. One was aged in his early sixties with red or sandy coloured hair. The other was a tall respectable man who came in at a later stage. They were supposed to represent Mr Berezovsky, but neither he nor any of his associates appeared to recognise who these extra lawyers could have been.
130. The whole of this incident was denied by Mr Levtov and it is difficult to see what purpose it was supposed to serve. It will be remembered that by this time Mr Berezovsky had obtained refugee status on 10 September. Accordingly, by letter, the Secretary of State invited the Russian Federation to withdraw its extradition request or offer no evidence. It declined to take either step, but the District Judge discharged Mr Berezovsky in any event on 12 September. (We now know that the Russian Federation was advised on 17 September by James Lewis QC that there was no point in an appeal for so long as Mr Berezovsky continued to enjoy "asylum status". We know this because Mr Terluk disclosed the opinion.)
131. Mr Terluk suggests that the meeting might have been to assist Mr Dubov with his application. Mr Litvinenko was supposed to have said at the meeting that, unless Mr Terluk provided a statement, Mr Dubov would be sent back to Russia and Mr Litvinenko as well. It is difficult to understand the logic of this scenario, since Mr Berezovsky and Mr Litvinenko had already been given refugee status, and there was no reason to suppose at that time that there was any risk of being deported. This clearly undermines the suggestion made by Mr Terluk, in his witness statement of 30 November 2006, to the effect that the red-haired lawyer told him that a statement was required for the Home Office so as to make Mr Berezovsky's (and Mr Dubov's) position "unshakeable". The objective had already been achieved, at least so far as Mr Berezovsky was concerned. Indeed, on 12 September 2003, Clare Montgomery QC, acting for Mr Dubov, had felt able to tell the Bow Street Magistrates' Court that a plot had recently been uncovered to assassinate Mr Berezovsky. In these circumstances, I cannot see (even on Mr Terluk's perception of events) why Mr Litvinenko should have been desperate to obtain a written statement from Mr Terluk at this stage. As it happened, Mr Dubov acquired refugee status, within days of this supposed meeting, on 30 September.
132. Mr Terluk invites me to conclude that Mr Levtov was lying in the witness box and suggested that he could see from where he was sitting that he went pale and his legs were shaking. But I saw no reason to disbelieve what appeared to me to be clear, straightforward and credible evidence.

133. Meanwhile, Mr Goldfarb recalls that he had a meeting with Mr Terluk on 17 September, at his (Mr Terluk's) request, at Bibendum in South Kensington. On this occasion, he asked for payment for the assistance he had supposedly given towards Mr Berezovsky's asylum application. This would appear, at least, to be consistent with the suggestion made by Mr Chekulin that Mr Terluk had made contact with Mr Berezovsky's entourage in the first place with a view to obtaining financial help. Mr Goldfarb felt that there were no grounds to make any such payment. I see no reason to reject this evidence. Accordingly, the urgent need for a meeting at the end of September is even more difficult to fathom. It was in the course of the Bibendum meeting that Mr Goldfarb said that he felt rather sorry for Mr Terluk because he was "between a rock and a hard place". He assessed him as "an insignificant figure being used by the Russian Embassy".

*An assessment of the Claimant's witnesses*

134. As I recorded earlier, a wholesale attack was made on the character of Mr Litvinenko by the Russian prosecutors. Reliance was also placed on his conviction in a Russian court in his absence. In deciding how much weight to attach to his contemporaneous statement, I take into account the following factors.
135. First, it is internally consistent and presents a cogent account of events. Secondly, it is consistent with other evidence; specifically, that of Det. Chief Inspector Rose, Mr Menzies, Mr Levto, Mr Goldfarb, Mr Berezovsky, Mr Dubov and Mrs Litvinenko. Thirdly, as to his character, it seems to be common ground that he made public his allegation that he had been instructed, in December 1997, to assassinate Mr Berezovsky and that he campaigned against corruption in the FSB. In so doing, he was putting his livelihood and welfare at considerable risk. It is not easy to understand why he would do this unless he was a man of courage and conviction. The same is true, as I observed earlier, of his public denouncement of Mr Putin in October 2006. No doubt he had his faults, like anyone else, but nothing I have seen suggests to me any solid ground for rejecting his evidence.
136. As for Mr Dubov and Mr Goldfarb, I had the advantage of observing them give evidence and be cross-examined. They are obviously both highly intelligent and articulate men. They also speak excellent English. Nothing in cross-examination caused them to change or qualify their evidence. Again, it was in each case internally consistent and coherent. It also accorded with the other witnesses and presents a credible account of what are admittedly rather unusual events.

*The scope of Mr Terluk's plea of justification*

137. As to his plea of justification, Mr Terluk was somewhat equivocal with regard to the murder of Mr Litvinenko. His primary case was that he made no such allegation – even though it was undoubtedly the cornerstone message of the programme as a whole. He no longer wishes to allege, in the alternative, that such a charge would be well founded. As he said in the course of the trial, "I don't care who killed him". Nevertheless, he did dally with the suggestion that Mr Berezovsky had given reasonable grounds to suspect him of complicity in the murder. The basis of this remained unclear. The allegation in the programme was premised on Mr Berezovsky's wish to dispose of Mr Litvinenko because he witnessed the pressures said to have been exerted on Mr Terluk in 2003. By that logic, he would presumably also have a motive to murder Mr Goldfarb.
138. I can say unequivocally that there is no evidence before me that Mr Berezovsky had any part in the murder of Mr Litvinenko. Nor, for that matter, do I see any basis for reasonable grounds to suspect him of it. He himself, when being cross-examined, asserted that the whole world knows that it took place on



the instructions of Mr Putin. Obviously, it is not part of my function to make any finding as to who was responsible. The only issue that arises in this case is whether there are reasonable grounds to suspect Mr Berezovsky – and plainly there are not.

139. The central issue on Mr Terluk's defence of justification is whether his allegations about Mr Berezovsky's associates' activities between May and September 2003 have been shown by him, on a balance of probabilities, to be correct. In particular, did Mr Litvinenko and Mr Goldfarb exert pressure on Mr Terluk to persuade him to make a false statement for use in Mr Berezovsky's application for political asylum? If so, were they acting on his behalf or simply on a "frolic" of their own?

*Is the central allegation true?*

140. It is accepted by Mr Berezovsky and his witnesses (including in the contemporaneous statement of Mr Litvinenko) that there were attempts to persuade Mr Terluk to make a written statement for submission to the police. But they say that they were only asking him to reduce into writing what he had told them orally. Mr Terluk denies that he told them what they allege, namely that he had been asked by handlers at the Russian Embassy to carry out surveillance at Bow Street Magistrates' Court, with particular regard to the layout of the building and security arrangements. If true, this would plainly be a matter of concern to Mr Berezovsky and his friends. Equally, it would be a proper matter to submit to the police. That is why they say Mr Terluk was asked to put his story into a written statement. They were primarily concerned to take steps to protect Mr Berezovsky, with the aid of Special Branch, against what appeared to be a possible assassination attempt. It might well have been, in addition, a relevant document to place before the Home Office in connection with the application for asylum, but the primary concern was for his physical safety.
141. Mr Terluk's case is that this was all fantasy. He was not involved in any plot to kill Mr Berezovsky and had no connection with the FSB or any other hostile Russian agency. One of his arguments was that Mr Berezovsky's associates would have had nothing to do with him if he had truly posed a threat to Mr Berezovsky. He says, in particular, that Mr Berezovsky would not have sat near him in February 2004 at a press conference which took place in London. No one has any recollection of this, apart from Mr Terluk, but he contends that Mr Berezovsky actually sat next to him – within poisoning reach.
142. Mr Berezovsky's case is, however, not that Mr Terluk was himself a would-be assassin, but rather that he was being used by Mr Smirnov and others (possibly against his better judgment) to find out how easy or difficult it would be to smuggle the necessary ingredients into the Magistrates' Court. Their view of him was, in Mr Goldfarb's words quoted above, that he was between a rock and a hard place. He had made contact with this group with a view to extricating himself from the Embassy pressures. It was in this connection, they suspected, that he had eventually told them of his reconnaissance duties. Because he had done so, they would be unlikely to see him as a direct threat and they might even have reason to be grateful to him for putting them on notice.
143. His case, on the other hand, involves the rather less plausible scenario that Mr Berezovsky's associates simply picked on him for no good reason and tried to pressure him into writing a false statement to boost the asylum application (i.e. without any genuine belief that there was a threat at all). On this basis, he simply has to dismiss the connection with Mr Smirnov as an invention. Yet, as I have already said, following the article in the *Sunday Times* of 21 September 2003 which prompted Special Branch to contact him, he told them a very similar story – including reference to Mr Smirnov. I can imagine no reason why that important note of Det. Chief Inspector Rose should have been dishonestly compiled. It

obviously bears out what Mr Goldfarb and Mr Litvinenko were saying at the time.

144. It is significant that Mr Terluk included a misleading account of his meeting with the police in his defence at paragraph 2.19. He made the allegation that the Home Office had chosen to give Mr Berezovsky refugee status *despite* the information he had given to the police. This plainly implies, quite falsely, that his interview with the police preceded the grant of 10 September 2003. It also suggests that he had told the police that Mr Litvinenko had tried to extract false statements from him. Yet it is obvious from the police record that this was not so.
145. It is of some interest that one of the excuses Mr Terluk gave at one point for not committing himself to a written statement was that any urgency had gone out of the situation as Mr Smirnov and his colleague were about to be sent back to Russia. According to Mr Litvinenko's witness statement of 31 July 2003, this is what Mr Terluk had told him only the day before. Mr Smirnov and his superior were said to be due to leave on 1 August – in something of a hurry.
146. Criminal proceedings were begun against Mr Berezovsky in Russia founded upon these allegations of Mr Terluk. It seems that the Russian government wishes to have Mr Berezovsky's refugee status withdrawn and yet again to try for extradition. It is said that he sought to manufacture a false case, by exerting pressure on Mr Terluk, in order to defeat the original application for extradition. There is thus clearly an overlap between the prosecutors' case in the Russian criminal proceedings, Pyotr's allegations in the programme and Mr Terluk's defence in the libel action. That is the reason the prosecutors have given when pressing me to stay the libel action. On the other hand, neither they nor Mr Terluk have ever quite addressed the divergence between the story they attribute to Mr Berezovsky and the case he actually advances. He has never said that Mr Terluk was an assassin, or that *he personally* was going to poison him, or that he had been sent to England for that purpose. That would hardly be consistent with his spilling the beans to Mr Litvinenko and Mr Goldfarb. Yet this is the account the prosecutors, through Mr Terluk, like to ridicule as outlandish and absurd. Mr Berezovsky's case has never been painted in those primary colours.
147. Mr Terluk was keen for me to see a recording of an NTV television broadcast of 19 March 2006. This too was clearly aimed at conditioning the viewers into seeing just how absurd Mr Berezovsky's story was and how easy it was to see through it. It attributed to him the claim (to the United Kingdom authorities) that Mr Terluk had confessed to being "an agent of Russian Special Services" and that he "had come to London to jab the oligarch with a poisoned pen during court hearings". Of course that sounds absurd and the viewers were clearly being encouraged to wonder how such a crude and transparent melodrama could have fooled the Home Office in 2003. But that was not Mr Berezovsky's account and never has been. Nor, critically, would that be compatible with what Mr Terluk actually told Special Branch at the end of September that year. That account marries up in all practical details with what he is alleged to have told Mr Litvinenko and Mr Goldfarb. We do not know what he told the Russian prosecutors because they have not supplied any record of his interviews. For all I know, he may have been the source of NTV's fanciful story.
148. It seems clear that Mr Chekulín has been used from at least January 2006 to January 2010 to lend credence to the prosecutors' case. One has to be very careful, however, in giving weight to anything he has said since his return to Russia. He was interviewed by Mr Lomovtsev on 13 and 21 March 2006. Following the second of these interviews, Mr Chekulín sent a letter to Mr Terluk asking him twenty questions. It is to be assumed that the answers would be fed to the prosecutors.

149. Later that year (apparently in September, according to Mr Terluk's list of documents), a coded letter was sent by Mr Chekulin to Mr Terluk. It refers to various people posing a threat to him and his family and to warnings received. He uses adjectives (in translation ) such as "especially dangerous", "extremely unscrupulous". He concludes by warning Mr Terluk, "Two of us will stay alive to the same period in time, if not the day". He refers to a delegation of Russian prosecutors who had arrived in England the previous July. They were sent over to investigate and discuss with the United Kingdom authorities what had gone wrong with a number of unsuccessful extradition applications. The opportunity seems to have been taken during the visit to interview Mr Terluk, and Mr Chekulin was pressing him to reveal what had passed between them: "What questions in reality have you been asked in the first, second and third meetings?"
150. He also comments, "Bear in mind that they arrived at the third meeting after they were given a dressing down from Ptichkin, who got it from the Head". Mr Browne invites the inference that "Ptichkin", which means "bird" in Russian, must refer to Mr Chaika who was appointed by Mr Putin as chief prosecutor to put some backbone into the service. "Chaika" happens to be the Russian for "seagull". When asked about this, Mr Terluk responded rather feebly that perhaps "Chaika" meant "sparrow". As for the "Head", Mr Browne suggested that this was Mr Putin. I cannot come to any conclusion about this. But, in the end, all that matters for present purposes is that Mr Chekulin and Mr Terluk would appear to be in a very unenviable position, to say the least. I was shown a witness statement of Mr Yuschenkov dated 25 April 2002, which had been prepared to assist Mr Chekulin's asylum application. This made clear his view at the time that Mr Chekulin's life would be in danger if he returned to Russia. Anything Mr Chekulin says about Mr Berezovsky or Mr Terluk has to be approached with the utmost caution unless otherwise corroborated.
151. Because their interests coincide, Mr Terluk has been assisted both before and during the trial by a team from the Russian prosecutor's office. Four to five people have accompanied him throughout the hearing. One or two of the team have been sitting in the silks' row and asked for the opportunity to cross-examine Mr Berezovsky. I thought that a step too far. But they were able to assist Mr Terluk by presenting him with lists of questions to ask the witnesses in cross-examination. They also prepared applications for him to be allowed to introduce new evidence in the middle of the trial.
152. One of the ironies of the case was that Mr Berezovsky paid for an instantaneous interpreting service for Mr Terluk, so that he could follow the trial through headphones. From the outset, at least one of the prosecutors took advantage of this service as well, but unfortunately Mr Berezovsky did not provide enough headsets to accommodate the full team.
153. Unhappily, Mr Terluk decided to hand over documents disclosed by Mr Berezovsky in these proceedings to the Russian prosecutors in breach of his obligation of confidentiality. This despite being given clear information about this rule in letters dated 28 August and 9 October 2009. Mr Terluk made expressly clear his contempt for the English court when he said at the trial, "If you don't want me to have them, do not send them to me but, if I have them, I will decide myself what to do with them". The disclosed documents have been used to further the criminal proceedings in Russia and also to launch civil proceedings there at the suit of Mr Terluk (presumably funded by the Russian government).
154. The civil claim was launched against Mr Berezovsky, Mr Dubov and Mr Goldfarb. It emerged from the *Moscow Times* for 25 January 2010 that an order was made in those proceedings for the seizure of a flat in New York (which the court believed belonged to Mr Berezovsky).



155. Further, the criminal proceedings were recently extended (on 2 February 2010) by Mr Lomovtsev in reliance upon the witness statements of Mr Litvinenko and Mr Goldfarb taken in 2003.
156. This co-operation and community of interest between Mr Terluk and the prosecutors is relied on by Mr Browne, who says that it simply undermines Mr Terluk's credibility and is thus consistent with Mr Berezovsky's case that he was working for the Russian government all along (including in 2003). It is no doubt relevant material to take into account, but it can hardly be determinative in itself. It is clear that Mr Terluk has been treading a fine line for some years. I was shown a letter of 27 October 2006 from his asylum lawyer, Mr Symonds, who pointed out to him, effectively, that the closer he became to the Russian prosecutors, the greater the risk to his asylum application. He advised that " ... the fact that the Russian authorities have offered you witness protection would likely be regarded by the Home Office and the Tribunal as a good indication that adequate measures would be taken in Russia for your safety". Mr Terluk has no wish to be deported to Russia. On the other hand, he can hardly afford to fall out with the Russian prosecutors.
157. What is of central importance is Mr Rose's note of 26 November 2003 (set out above at paragraph [69]). There is captured, more or less contemporaneously, the account Mr Terluk was giving to the authorities in this jurisdiction, in September 2003, as to his links to the Russian government. He there named Mr Smirnov, as he had also apparently named him to Mr Litvinenko a couple of months earlier. That note had lain in the Metropolitan Police files, apparently undisturbed, for nearly six years until it came to light in June 2009 as a result of my order. I do not accept what Mr Terluk seems to be suggesting; namely, that it is a bogus document created by the police to assist Mr Berezovsky. Its contents are, of course, wholly at odds with what Mr Terluk is now saying. It is, on the other hand, consistent with the evidence called by Mr Berezovsky as to the events of that summer.
158. It would be perverse for me to conclude that Mr Rose was lying in court or that he concocted a false record of his interview with Mr Terluk. I can think of no reason why he should do so. Nor can Mr Terluk suggest any.
159. Furthermore, that scenario would account for the close interest taken in Mr Terluk by Mr Litvinenko and Mr Goldfarb in 2003. It is far more plausible than the explanation that Mr Terluk and the prosecutors put forward; that is to say, that they singled out a total stranger out of desperation and kept on pestering him, at meetings he had no wish to attend, to come up with and confess to a plot to murder Mr Berezovsky.
160. The evidence of Mr Litvinenko, Mr Goldfarb, Mr Dubov, Mr Levtov and Mr Menzies is in all essentials consistent and plausible. I am not only asked to disbelieve Mr Rose, a senior police officer, but also Messrs Levtov and Menzies, who are two experienced practising solicitors. They are officers of the court and appeared to me to be scrupulously careful as to their professional responsibilities. Nor can I see why they would have any motive to mislead the court and put their careers in jeopardy.
161. I do not believe that Mr Terluk would have gone on attending fairly regular meetings with Mr Berezovsky's associates unless he had a story to tell. If they were merely pestering him, and he wanted nothing to do with them, he is quite determined and strong-minded enough to have told them to "get lost". It is clear beyond doubt that he was recounting the same story to the Special Branch officers who interviewed him. It is hardly surprising that Mr Berezovsky and his friends would want to know as much as they could about a possible plot to kill him. Nor is that far-fetched fantasy, since earlier attempts had been made on his life and everyone knows what happened to Mr Litvinenko.

Furthermore, there was a later assassination plot in relation to Mr Berezovsky himself, which was discovered by the police in June 2007. This led to the deportation of Mr Atlamgeriev (as reported in *The Times* for 18 July 2007).

162. On the other hand, one can understand Mr Terluk's reluctance to reduce his story into writing. He had to consider the risk to his own asylum application and, moreover, he would be reluctant to incur the displeasure of the FSB and the Russian Embassy. He was feeling his way at that time. Mr Chekulin's son (in his interrogation notes of 27 January 2010) recounts that after the 13 May dinner meeting Mr Dubov's immediate reaction was, in effect, to describe Mr Terluk as "our man", which perhaps connotes "one of us". Mr Chekulin Senior in his interrogation of 22 January said that Mr Dubov used the expression "our insider". Moreover, Mr Dubov has himself confirmed that this had been his initial impression. That would not be surprising as a tentative view. Indeed, for all I know, at that time Mr Terluk might well have wished to throw in his lot with other asylum seekers who, like him, had no wish to return to Russia.
163. I mentioned earlier that Mr Dubov had no direct dealings with Mr Terluk between May 2003 and January 2006. What happened was that Mr Terluk telephoned Mr Dubov after the publication of Mr Khinstein's article on 23 January 2006. He was displeased that he had been mentioned in it and a photograph of him published. He asked of Mr Dubov how Mr Chekulin could possibly have done this, as he had thought him "one of us".
164. At all events, having fed information to Mr Berezovsky's entourage, Mr Terluk cannot have been surprised at their interest in getting to the bottom of what he was saying.
165. Mr Terluk did himself no favours in cross-examination. Although articulate and never lost for words, he was truculent and evasive throughout. As often as not, he simply failed to engage with the questions he was being asked and tried to quip his way out of difficulty. This tactic made it very difficult to take what evidence he did give at face value. He tended to dismiss anyone who gave evidence inconsistent with his story as a liar in Mr Berezovsky's pay. He also accused Mr Browne of being a disgrace to his profession and even of "palming" one of the documents he was passed by Mr Terluk in court. He seemed to be directing his performance more to the team of Russian prosecutors than the court; this plainly was not calculated to boost his credibility.
166. I am driven to conclude that the central allegation that is directly attributable to Mr Terluk in the programme is false; namely, that corresponding to the first pleaded defamatory meaning (set out at paragraph [53] above).

*The accuracy or otherwise of the third defamatory meaning*

167. It remains for me to rule on the third meaning – to the effect that Mr Berezovsky threatened Mr Terluk or in some way posed a danger to him. This led to what Mr Browne called the "pantomime" about Mr Terluk's security. It was difficult to serve him with the pleadings at the outset, because he was making himself scarce. (That emerges clearly from evidence of a conversation between Ms Middleton, one of the legal team acting for Mr Berezovsky, and a solicitor at a Law Centre who had been representing Mr Terluk, albeit to a limited extent.) Thereafter there were continuing difficulties about communication with him which caused major inconvenience and delay. The reason given for this was the need to protect his security. At the earlier hearings in the case, Mr Terluk was brought into court by my clerk through the Judges' entrance for the same reason. By the later stages, however, this precaution had been

dispensed with and, so far as I am aware, was quite unnecessary. On 8 June 2009, I received a letter from the Russian Embassy complaining that I had revealed to Mr Berezovsky's lawyers the documents previously received by me from the Russian prosecutors. It was said that by so doing I had increased the risk to Mr Terluk's security, but no reasons were given. I see no evidence at all of any risk to Mr Terluk's safety and welfare originating with Mr Berezovsky or his entourage. Nor did he lead any evidence to that effect.

### *Reputation*

168. At various stages during the proceedings, the Russian prosecutors have sought to introduce evidence attacking Mr Berezovsky's character, sometimes directly and sometimes through Mr Terluk. I think the purpose was to demonstrate that he has no reputation worth protecting. They wrote to me more than once through the Russian Embassy enclosing information I was asked to keep to myself. Obviously, this was impossible. It had to be handed over to the Claimant's advisers. There were also requests to stay the proceedings until the conclusion of the criminal proceedings in Russia against Mr Berezovsky. That did not appear to be consistent with his Article 6 rights.
169. We do not in this jurisdiction have a rule to the effect that a bad reputation precludes a person from suing in defamation. We do have a rule, which is in some respects unsatisfactory no doubt, to the effect that (subject to proper notice) evidence may be introduced of "general bad reputation" – for the purpose only of mitigating damages. On the other hand, it is not legitimate, for that purpose, to introduce evidence of specific acts of misconduct: see generally *Duncan & Neill on Defamation* (3<sup>rd</sup> edn) at 23.20 *et seq.* This is the so called rule in *Scott v Sampson* (1882) 8 QBD 491. Despite a recommendation contained in the report of the Supreme Court Procedure Committee in 1991 (the Neill Report), Parliament decided when considering the Defamation Bill in 1996 not to abrogate this rule. The reasoning was that to enact such a provision would be to establish a "muckraker's charter".
170. It has been recognised that if a claimant has been convicted of a criminal offence, this can also be admitted in evidence provided that it is in the relevant sector of the claimant's life and, of course, does not fall within the definition of a "spent" conviction under the Rehabilitation of Offenders Act 1974. The Russians wanted to introduce evidence of a conviction of Mr Berezovsky in a Russian court in his absence. They also sought to introduce the judgment of a Swiss court relating to the conviction of someone else, because there are some references to Mr Berezovsky. For reasons I explained more than once, I was obliged to rule this out. Mr Terluk nonetheless introduced it in his closing speech. He tends to treat rulings of the court as minor irritations rather than directions to be complied with. (As I have already explained, he handed over disclosed documents to the Russian prosecutors and also failed to verify the contents of his defence with a statement of truth or to specify what errors and inaccuracies it contained, as ordered on 8 December 2009. The reason for this order was to finalise his case and to enable the Claimant's advisers and the court to concentrate on that – rather than a moving target.)
171. Nevertheless, it would be unreal to ignore the fact that, in the eyes of many people, including Russian speakers living in this country, Mr Berezovsky has acquired the reputation of a criminal on the run from Russian justice. He has been sentenced to 13 years imprisonment in his absence. On the other hand, he is seen by others as a political dissident who is working for justice and democratisation. Many see the criminal proceedings against him as politically motivated. It is not for me to take sides in that wider debate. I need to focus only upon the specific issues raised in this litigation. I merely recognise the realities. He does not have a settled "general bad reputation". There are contrasting views. None of

this means that he is deprived of the right to sue these Defendants in respect of the broadcast and, if successful, to recover damages by way of vindication.

*My approach to damages*

172. Having found that the defence of justification has failed, I must assess damages against Mr Terluk, as well as against the First Defendant. There is something of a difficulty about this, as I am confronted with joint tortfeasors. Mr Browne argues that they are as bad as each other, in the sense that they have committed the same tort and have each, in their different ways, aggravated the damage. I do not believe this is the right way to approach it.
173. First, I have found on the evidence that Mr Terluk is only responsible for what he actually said on the programme. He did not expressly state that Mr Berezovsky posed a continuing danger to him. Nor did he make any accusation that Mr Berezovsky was implicated in Mr Litvinenko's murder. What he did say, which is plainly serious in itself, is that Mr Berezovsky through his associates (or, as Mr Khinstein called them, his "marionettes") had exerted pressure on him to produce false evidence of a murder plot. This was to deceive the British authorities. There is no truth in any of the allegations, but I am not persuaded that Mr Terluk (as opposed to RTR) is to be held responsible for publishing them all. He may have been a party to the entirety of the messages proclaimed in the programme: on the other hand, he may have been confined to a subsidiary role.
174. Secondly, the aggravation has been different in the case of each Defendant. In *Cassell v Broome* [1972] AC 1027, 1063F-H, 1090D-E, it would appear that Lord Hailsham and Lord Reid were of opinion that, in such circumstances, any joint tortfeasor will only be liable for the lowest common denominator (that is to say, only to the limit of their joint responsibility). In *Hayward v Thompson* [1982] 1 QB 47, 62E-G, on the other hand, Lord Denning MR thought this unsatisfactory. He seemed to think that in the case of a joint publication, such as a newspaper article, one should not draw fine distinctions as between one defendant and another. I do not read the judgments of his brethren (Sir George Baker and Sir Stanley Rees) as expressing a view on this point either way. Accordingly, the law in this respect cannot be definitively stated.
175. I have indicated that the words complained of bear each of the Claimant's pleaded meanings and that, in respect of each of those meanings, the allegations are false. Nevertheless, I plan to compensate in respect of only the first of those meanings – for the reason that Mr Terluk cannot be shown to have published all the allegations. I propose to ignore individual aggravating factors, as something of a distraction, because I think the lowest common denominator approach is likely to be preferred by a modern appellate court – not least because it is more compatible with Article 10 of the European Convention on Human Rights. There would seem to be an inhibiting or "chilling" effect on freedom of expression in so far as the law may render each individual contributor to an investigative story liable for the words or conduct of other people. In a genuine case of "joint enterprise", that may be appropriate, but I am not persuaded that this is such a case. Yet I do not believe that for the purposes of this case I need to resolve this dilemma.
176. What I propose to focus upon is the seriousness of the allegation and the fact that it has gone uncorrected for about three years. The figure selected needs to compensate for distress, as well as the fact that the allegation was calculated to put at risk Mr Berezovsky's refugee status and leave to remain in the United Kingdom. It needs also to serve the purpose of vindication. Obviously, many people have fixed views about Mr Berezovsky and most will not change them as a result of this judgment. He is

nevertheless entitled to his remedy as reflecting the court's clear and unequivocal finding, on the evidence, that the relevant allegations are false.

### *Conclusion*

177. Apart from that primary objective, the quantification of the damages may be academic in the sense that there are likely to be formidable obstacles in recovering the money. This may indeed be a matter of only peripheral interest to Mr Berezovsky. I doubt that he brought the proceedings to make money. It will be for him to decide whether it is worthwhile to attempt to enforce the award. But that is by the way. I have concluded that there should be judgment for the Claimant and that an appropriate award in respect of these joint tortfeasors is £150,000. It would have been higher if I were also compensating for the equally unfounded allegation that he was responsible for the death of Mr Litvinenko.
178. Finally, as I said at the conclusion of the hearing, I should like to record my thanks to Ms Margiani, who assisted Mr Terluk in the preparation and to some extent in the presentation of his case, and also to Ms Bayliss. As the interpreter, she had a very difficult task in circumstances where quite often several people insisted on speaking at the same time. I found their contribution very valuable and they enabled Mr Terluk to get across what he wanted to say. I should also like to express my thanks to counsel, who have assisted the court to focus on rapidly developing issues when they were often under considerable pressure themselves.

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## EXHIBIT 2

# **EXHIBIT 2**

## **TRANSCRIPTS OF RUSSIAN TV BROADCASTS**

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## **Program 1.**

3/20/2018. Channel One “Let Them Talk”. Full transcript from 00:00 to 55:15

### **Participants:**

**DB - Dmitry Borisov, program host**

**AL - Andrey Lugovoy, Duma deputy**

**AK - Andrei Karaulov, Channel One contributor**

**OL - Oleg Lurie, journalist**

**AH - Alexander Hinshtein, Duma Deputy**

**MS - Maxim Shingarkin, public activist**

**ND - Nikolai Dolgoplov, historian of secret services**

**YK - Yuri Knutov, military historian**

**AC - Alexander Chalenko, Ukrainian journalist**

**AT - Alexander Treschev, attorney**

**IN - Igor Nikulin, former UN bioweapons expert**

**IP - Igor Prokopenko, TV host**

**MI - Mikhail Ignatov, forensic expert**

**VS - Vyacheslav Sokolenko**

**WL - Walter Litvinenko**

**AB - Andrei Borovkov, Berezovsky’s attorney**

**ZB - Zoya Boguslavskaya, writer**

**GZ - Galina Zaporozhtseva, retired police officer**

### **Time**

0:00 **DB** This is Channel One. Good evening. In this show one can’t be silent. I am Dmitry Borisov in “Let Them Talk.” The most talked about stories and people!

**[Recorded film]** A purely English thriller. The whole world is talking about the mysterious poisoning of an ex-Russian spy Sergei Skripal. Accused of high treason in his homeland he obtained asylum in Britain. He settled in a quiet green town away from mystery and high politics, but now mystery surrounds Skripal’s own poisoning together with his own daughter who came to visit him from Russia. The townsfolk of Salisbury can’t make sense of it. Nor can simple people in other countries.

**[Female Salisbury resident]** “OK, so I was going to work and saw a couple on the bench, a young woman and a man. She leaned on his shoulder and he made strange movements. He stared upwards and I thought of coming up but then I thought “how can I help?”

**DB** Information is fragmentary. The press is full of theories and dramatic accusations against Moscow coming from London. Previous mysterious deaths are recalled – of Boris Berezovsky, Alexander Litvinenko, Vladimir Pasechnik and now of Berezovsky’s pal Nikolai Glushkov. They discuss the

attempt on Viktor Yushenko which left marks on his face. So we went to Salisbury. Are they alive - the 64 year old Sergei Skripal and his daughter, 33? And what really happened to the ex spy?

**DB** [Studio] When the story of Sergei Skripal's poisoning broke out (according to British secret services it was caused by an agent called "Novichok" – a Russian word that has now entered the English language) everyone recalled another case that had paralyzed Russian-British relations, the murder of Alexander Litvinenko. One of the main protagonists of that case was Andrei Lugovoy. He will now join us. Together we can reconstruct the timeline of what happened to Sergei Skripal.

*[AL entrance, applause]*

**DB** Good evening.

**AL** Good evening

**DB** When these reports from UK started coming did you have a sense of déjà vu?

**AL** I had this feeling on the next day. About 1 am I got a phone call from a British media organization. I did not quite understand what it was about but in the morning some forty calls came. Everyone called, BBC, Sky news, Channel 4, the Times, the Sunday Times. Naturally, I thought: here we go again! From then on I had a strong feeling that the situation with Skripal in London will develop essentially by the same scenario as had the scandalous, so called polonium case in 2006.

**DB** We remember that. You were accused of bringing polonium. Have the British journalists asked you if you were in Salisbury?

**AL** No. Thanks God they haven't asked that because, you see, I haven't been in London for a long time, for some twelve years and I am not likely to go there. But last week I had many questions to answer. Of course both the Skripal case and that of Litvinenko are two sides of the same coin, no doubt. I would describe this whole matter using the words of Sir Winston Churchill: "A lie can travel half way around the world while the truth is putting on its shoes". I believe this was a provocation even if this provocation might not be the work of the secret services of UK but some third party such as the United States. In any case Britain hyped the scandal in order to demonize Russia and stimulate Russophobia.

**DB** So you said to yourself "Here you go again" What did he mean Andrei Viktorovich?

**AK** What Andrei says is terrifying. This is an attack on Putin. "Putin who sent Lugovoy along with his kids to the bar of Millennium Hotel". Had Lugovoy in the Millennium bar dispensed one-millionth of a gram of Polonium and put it in Litvinenko's cup – and he brought his kids – then Lugovoy and his kids, and the whole Millennium bar would've died on the spot and the coffee in the cup would have boiled like a volcanic lava and presently the new story with Skripal timed to the elections precisely.

**OL** They needed a provocation and they did it.

**DB** Wait. How did it impact the presidential election? Did the Putin campaign thank the UK for a good turnout?

**OL** Their calculation once again was to demonize Putin, to demonize Russia.

**DB** Alexander Evseevich and why use such devious methods of settling scores with alleged enemies? These unthinkable poisons – polonium then and Novichok now, a sort of chemical weapons?

**AK** Wasn't there a simpler way to hit Litvinenko than dispensing one-millionth of a gram? [Applause]

**AH** Why every time this sort of thing happens they pick exotic means more appropriate for a James Bond movie than for the real spy operation? Take Berezovsky who hanged himself on a tie and now Glushkov strangled with a belt...

**AL** With his dog's leash.

**AH** Oh. His dog's leash, I am sorry. So you have polonium here, Novichok there; there was a plutonium scandal in the 90's. Simple folk in the west who grew up on comics, James Bond and Spiderman would instantly believe these things. Not only believe but get terrified, absorb the message that is being put in their heads: "Russia today continues the evil doings of the Soviet Union: a sting with an umbrella, a poisoned ice pick. The horrible KGB, Smersh and NKVD agents roam the streets of Europe in their fur hats, planting bombs aiming to destroy the planet".

**DB** So to understand what you are saying, to see how the residents of a small town, a quiet normal English town are taking all this I followed the footsteps of Yulia Skripal. She went to see her father. Actually she lives in Russia but she went to visit UK. I was able to see what the press writes about it, both the British press and ours – because UK tabloids print all kinds of theories. Here it goes...

**[Recorded film]** London, Heathrow. Here on March 3, a flight from Moscow landed bringing Yulia Skripal who came to the UK to visit her father Sergei, the former spy. The next day, March 4 the two of them were found unconscious on a bench in the shopping mall in the town of Salisbury, 140 miles from here. They say they were were poisoned, there are many theories how. One of them says Yulia landed in Heathrow carrying the poison in her bag. The day after she arrived Yulia Skripal and her dad drove to the centre of the town. At 1.40 pm they parked at the public lot and went for a walk. Their car is no longer at the parking lot. What's interesting, before the Secret Service got hold of it, the car was towed away because it looked abandoned. Now you cannot go through, the police are here. This is the pub where Sergei Skripal and his daughter stopped by. A lovely place with a view of an old clock tower. The town centre. There is a real noisy waterfall. According to reports Yulia ordered a glass of white wine, Sergei had a beer. They talked. After the pub Sergei and his daughter went through this shopping arcade, entered a restaurant where over lunch Yulia wanted to talk about some important events in her life. Traces of poison called Novichok were later found in the restaurant. On that basis there is a version that it was there,

during that meal, that Yulia gave her father a gift from friends, which was laced with poison. One cannot see what is happening inside because the  
 10:00 building is surrounded by a high green fence obscuring everything inside.

After lunch Sergei and Yulia went through this gallery towards the shopping mall. There is a park here and the bench, now hidden behind the yellow screen where they sat down when they felt unwell. At 16.00 pm a local resident saw people on the bench acting strange. At 16.15 an emergency team arrived and Sergei and Yulia were taken to the hospital. Now the park is closed by the police. No entry.

**DB** [Studio] So this was a short chronology of events. How precisely the poison found its way – if at all, but that’s a separate question – into the organisms of Sergei and Yulia, there are many theories. One version assumes that someone in Moscow gave Yulia a gift for her father, which she for some reason accepted. It travelled in her luggage to Heathrow. From Heathrow she went to Salisbury and the next day gave the present to her dad. Who could make such a present?

**AK** Isn’t the English customs equipped, after Litvinenko, to scan the luggage for everything including radiation, poisons, especially Novichok?

**MS** There are radiation detectors...

**AK** Then how did it go through?

**MS** Look, pay attention. If this was a combat poison it rapidly reacts in the atmosphere so that people inhale it and die. In a few hours practically no trace is left because all of it has reacted.

**DB** Then what did they find?

**MS** That is the question! Let’s imagine theoretically how it had unfolded at the Millennium in the middle of London or presently in the middle of Salisbury. Say you are head of government, the Prime Minister of Great Britain, they come and say: “A radioactive substance has been used in London or in this case a nerve agent in Salisbury in the middle of England.” As the Prime Minister you would call government agencies and take extraordinary measures to ensure the security of the state as a whole. Have they taken any such measures? Did they close the London subway? Deactivate the Buckingham Palace? Did they check all law enforcement personnel for contamination? If they did not do it...

**DB** Oh you want to know what they did? A spokesman for the Health Protection Agency some days later advised all residents of Salisbury who’ve visited the restaurant and the pub visited by Sergei Skripal: “Dear citizens of Salisbury, if you visited the pubs, please cleanse your gadgets with baby wipes”.

**MS** This reflects their assessment of the level of threat. *[Applause]* They claim that citizens and visitors in the UK are being killed in terror attacks, which can be countered with baby wipes!

**DB** Nikolai Nikolaevich, still, could a spy service, any service use the daughter? Theoretically?

**ND** Andrey Lugovoy here said something important: there was a third party. My personal view the third party arrived in the UK from across the ocean.

You see they act on a grand scale, they deploy huge resources, spend tons of money, use an awesome suppression machine. Somehow I think this time the Americans did not alert their colleagues in MI-5, the counter intelligence that they were doing this. Quite possible they did it without the English knowing and told them only after the fact. Another point. Who would benefit from it at this time? Who needed it so badly? I would say that if some time later a Ukrainian connection is discovered I wouldn't be much surprised. Now about Skripal. This man has been milked out completely, squeezed dry like a lemon. First he betrayed Russia in 1995, secondly he was lured here for his love of money, he was caught because of his greed, they caught him through an ingenious trick of the GRU which he had betrayed. See they are grabbing him. *[Film of Skripal's arrest]*.

**DB** They said they found him out because of his lavish spending, buying expensive clothes, living beyond his means.

**ND** He lived outside of Russia in a different country but they lured him here by promising big money. Many people don't know about it. Then he was put on trial. *[Film of Skripal behind bars in court]* He got 13 years although in my opinion he deserved more. He served until 2010 and then was swapped for a group of Russian intelligence agents. He went back there and again started working for the British. He totally was under their control.

**DB** But before he was exchanged he was pardoned in Russia.

**ND** He was pardoned, but the British MI-5 fully controlled him like a circus calf who walks circles.

**AH** Skripal was exchanged in 2010 for our illegals but another traitor, Gordievsky, still lives in Britain since the Brits got him out in 1985. He was sentenced to death in absentia – while it was still the Soviet Union. Gordievsky inflicted incomparably greater damage than Skripal. I put aside moral, ethical or legal side, I am talking strictly common sense and pragmatism. By the way, today, with all archives opened, we can say with confidence what happened before. The last attempt of a liquidation abroad by our secret services took place in 1961. That was the unsuccessful assassination of the illegal Stashynsky after he defected. They stopped this kind of operations now. Approximately thirty former operatives turned traitors live abroad. Among them Skripal is the last fiddle in the orchestra. There was no reason to kill him. *[Applause]* Skripal was a British spy who had been exchanged for our illegals. Naturally he was monitored by the British intelligence, as they do everywhere else in the world. Our own George Blake who defected from the UK to the Soviet Union in 1966 is still alive, God bless. They call him George Ivanovich today. He is in perfect health. Of course you cannot approach him easily or pay a visit to him at home even though more than a quarter of a century has passed since his defection. Now take Skripal, who is protected by the Secret Service, who is visited by his daughter from Moscow.

**DB** But that's a daughter, a close relative.

**AH** Granted, but like any visitor from Moscow. They must have checked the daughter's luggage. They must have made sure their meeting was secure. The

story that someone has put something in her bag and she brought it and opened it by accident...And what if she had not given it to her Dad and if she had not opened it? And if not in the restaurant?

**AK** They don't work that way!

**OL** Regarding the substance, how could they have brought it in? If it was binary, that's a composite, it must be mixed before it starts working. What bag? What airport? Obviously it was a well-planned action. She gave him the present at home. Not at the restaurant. That is a planned operation.

**DB** Regarding the restaurant, it's a big question. There are different versions. A policeman got poisoned at the home

**OL** There is not a single piece of evidence

**DB** What's interesting is that some threads from the Skripal poisoning lead to the same place as the poisoning of Victor Yushenko and Alexander Litvinenko. Why? Because 11 Km from Salisbury there is Porton Down. The British military base, the laboratory... And what is happening inside? We will be back after a commercial break. Stay with us.

[break]

**DB** This is "Let them Talk" I am Dmitry Borisov. Good evening to all. We are discussing the poisoning in Great Britain of Sergei Skripal, the former Russian spy who had been convicted of treason by a court here, then pardoned and exchanged for Russian agents in the US. Before the break we mentioned that only 11 Km from Salisbury where Skripal was poisoned, there is Porton Down, the British military base which had determined the agent that was used to poison Alexander Litvinenko. So maybe the name Porton Down rings a bell Andrei?

**AL** No-one has ever seen any document showing who or what was involved in the Litvinenko case. I want to emphasize that in both cases one of the main steps taken by Great Britain was to classify everything. But in the case of 12 years ago they did it 5 years after the fact when we were about to get access. In the present case they did it within a week, so that no-one even tries.

**DB** What seems strange, this particular poison Novichok was invented in Russia they say and could not be produced anywhere else. All at the same time they compared it with samples which they already had.

**YK** Let me say, everyone quotes the interview of Mirzayanov on BBC. There are interesting moment there. For example Mirzayanov says a chemical weapon was used. When American soldiers were blowing up chemical weapons stockpiles some of them got contaminated by traces. This is not true. Tony Blair confirmed that was a lie. So the question remains was there Novichok in the first place, as they present to us? Before this tragedy took place – and I believe it is a tragedy for those involved and our relations with Britain – just before that they showed a TV series in which this very gas Novichok was featured. The public was preconditioned psychologically that such a gas could be used by the Russians. Then the most interesting part. At this point in time the USA declare they are getting ready to massively strike Syria because Assad has perpetrated a chemical strike. We are opposing that strongly and suddenly there is a provocation demonstrating that Russia is no



different from Damascus. The most horrible thing is that 600 cruise missiles on ships and subs are waiting for launch orders in Mediterranean ...

**DB** What you're saying is horrifying...

**YK** I am telling the truth. Why Theresa May acted this way in this situation? Why did she agree? I think she knows very well that Russia has nothing to do with it but Brexit has been a catastrophe. Her resignation is on the agenda. Now, all of a sudden the British public attention is distracted towards Russia. The EU had been strongly at odds with London, and now suddenly Brussels stands by London. They all stand together and Theresa May's rating goes up.

**DB** Maybe she was just lucky and this was not a provocation by spy agencies, but an unrelated poisoning?

**YK** You know I agree with what's been said that both CIA and MI6 were involved, but the execution most likely was done by Ukraine. In that case, even if everything comes into the open neither America nor England will lose face, but a third country will. If Kiev is exposed they'd only be happy to have made so much problems for Russia.

**DB** So in your view Theresa May is happy.

**YK** Yes, this is a gift for her; Americans are happy too.

**DB** And in the Russian election, the turn out is high, so all is well?

**YK** That the police were not around, and they've removed surveillance could only be done in collusion with the British secret services.

**DB** Alexander, could Ukraine be involved?

**AC** Skripal means "fiddler" in Ukrainian. He was born in Kiev. Possibly after he's left for England he has established a connection.

**DB** But Theresa May says it is Russia, that Russia clearly had a motive and it is also claimed that only Russia had this poison

**AT** And it is also claimed that only Russia can produce this poison

**YK** No this poison was not produced in Russia but in the Soviet Union. Moreover, in Uzbekistan there was an American base. The BBC reporter asked Mirzayanov if the Americans could get hold of this agent there and he said yes. They dug the soil in that base and could take this agent with them to USA.

**DB** The base at Porton Down reportedly is where they've developed the nerve agent that was used to poison a family member of Kim Jong Un, the North Korean leader.

25:00 **ND** I want to say something else. We are all saying that this nerve poison gas is called Novichok. Some good analyst from British intelligence must have told this to Theresa May. The truth is that this gas is in some catalogues published in Britain – this is not a secret. It is designated A-234. So the English do have the very same agent. Where is it from? This remains a secret of the Crown. They have this gas. End of story!

**DB** Novichok, a fancy word that has now become well known just like "Babushka" or "Perestroika"...

**ND** Also "Spasibo" and here is a new name "Novichok" [applause]



**DB** And still did we or did we not develop Novichok? We know official statements that we do not have this gas.

**OL** This is a story invented by Mirzayanov.

**IN** Mirzayanov did play a role but not a major one. Take into account that in 1994 Mirzayanov made this public for the whole world. A political decision was apparently taken not to arm Russian forces with it. Firstly Uzbekistan has split away in the course of disintegration of USSR. The factory that produced it was in Uzbekistan, near the town of Lukus.

**DB** So is there is no gas in Russia because the factory is in Uzbekistan and Russia has fulfilled all international obligations on destroying stockpiles. An Uzbek trail or American! Igor you have been silent. Let's go back. Isn't it a weird method to solve a problem, a deadly gas that may or may not exist.

**IP** I am absolutely sure that all statements in the early hours made by Theresa May and the British Foreign Minister called Boris have been written before Skripal was poisoned, because when they made the statements he was still in the ambulance on his way to the hospital. I quote "For the first time since WW2 Russia attacked Britain". What we have been shown, here he has a beer – the photo went round the world – and then he stepped outside and passed out on a bench. My friends, the nerve gas we are talking about kills instantly if it was a chemical weapon! But anything is possible in a fiction movie.

**DB** We have a movie plot, maybe an advanced formulation, that does not kill right away but say in 12 minutes

**IP** In that case we are not talking about a chemical weapon but about a poison. I am not an expert in poisons but I am an expert in chemical weapons. In 1993 when Russia signed the convention prohibiting chemical weapons and declared it holds 40 thousand tons of chemical weapons the Americans then declared 31 thousand tons. At that time America and Russia allowed observers to the sites where chemical weapons were stored. I was the first journalist who was allowed to film those storage depots, seven of them in all. I was wearing these things. I filmed these sites on permission from Defense Minister. I saw canisters with Sarin and Zaman. Now half of Salisbury wears this gear but remarkably regular policemen are mingling with these costumes and they are still breathing. But I want to say that in 1993 it was impossible to conceal anything. I say this as a witness, as a participant in those events. At the time the Americans and Brits saw everything there was to see. No secrets left. Of course we can talk about poisons, but that's another story. Yet the British all the time talk about chemical weapons.

**DB** Yes. They don't say "poison".

**IP** That's because "chemical weapons" remind of Saddam Hussein and Assad and that test-tube that Colin Powell displayed at the UN. "Chemical weapons" is a brand that has been promoted in TV shows, mass media and what not. As long as the British talk about chemical weapons we know that it is a lie. A cynical arrogant, open lie.

**DB** But still it sounds horrifying and dozens of people in Salisbury having seen the news went to see their doctors.

30:00 **IP** I want to say it's not clear if he was poisoned in the first place. Maybe he had a stale beer. Since we don't know what happened it is possible that he is now sitting at some secret bunker of MI-6, sips his beer and laughs at all this. With Litvinenko they shaved his head to show how beastly Lugovoy was. To show a strong handsome man who has lost his hair? Nothing of the kind. They shaved him to fake this for the photo. Shame on the British, they abused the dying man. To sum up it's not a fact that he has been poisoned at all.

**DB** Since you mentioned Alexander Litvinenko, after the break we'll hear what his family thinks about that poisoning after all the years that have passed. Who was responsible? And where is Sergei Skripal? Stay with us.

[break]

**DB** This is "Let Them Talk". Good evening to all. I am Dimitry Borisov. Today we discuss the poisoning in Britain of Sergei Skripal and his daughter Yulia. To see everything with my own eyes I went to Salisbury.

**[Recorded film]** This is Salisbury a quiet, green provincial English town, population 45 thousand. Everything is close by, doctors, hospitals, schools, pubs, restaurants, shops. The Cathedral keeps one of the first copies of Magna Carta. Stonehenge is not far. An ideal retirement spot. Another reason why Skripal settled here might be this, Pablo Miller, the British spymaster who reportedly recruited Skripal also lived here. They had what to discuss. To get an idea about real estate prices in Salisbury, take a look at the window of this realty agent. Here is a house for £170,000, that's about 13 million Roubles, or this house for £235,000, that's 18 million Roubles. The house of Sergei Skripal according to the press reports is valued at £340,000 but he bought it at a discount for £260,000 because he paid it all in cash. This is the quiet green street where Sergei Skripal bought his house in 2010. Neighbors remember him as a quiet man but recall how when he moved in, he invited the whole street to the housewarming. Apparently Brits are not accustomed to such largesse. One of the versions of the poisoning assumes that it could happen at this home. The police sealed the whole area. Streets are closed; only residents are permitted to enter. Even at the cemetery one can see the consequences of what happened to Sergei Skripal and his daughter Yulia. The same kind of green fence that surrounds the restaurant, the same blue tent that was in the parking lot. Here there are the graves of Sergei's wife and the eldest son. Over the past few years he had lost three family members. His wife died of cancer in 2012, then his brother and the last year his son died of acute liver failure. His wife and son are buried here. The police are interested in this spot because reportedly Yulia and Sergei brought flowers to the grave and possibly those flowers carry traces of poison. That's what police is trying to figure out.

**DB** [Studio] So the version of the flowers carrying traces of poison, how realistic is this? Is it serious when people look there for Novichok?

**MI** It is unlikely there will be any traces, I think they cannot be there. It kills and the next moment it's gone. You won't find any traces on the flowers, the gravestones or in the grass. Secondly, this happened on the eve of

presidential elections but the aim was not to discredit our elections but to show the world that Russia is a potential threat and that it would be dangerous to hold the World Football Championships there, that it should be moved to the UK where they have all the infrastructure.

35:00 **DB** And a supply of baby wipes...

**MI** The aim is to contain Russia. That was the first, I continue. I fully agree with Igor Prokopenko that there was no poisoning at all. He is probably sitting at a safe house of MI-6 waiting it off. Didn't they say he is alive, in a coma?

**DB** Our diplomats tried to get consular access to Yulia Skripal, who is a Russian citizen. They did not get it.

**MI** If the British were interested in true investigation they would immediately contact our investigators because she went there from here and so the trail they are looking for must be in Russia.

35:45 **DB** In the case of Alexander Litvinenko which has been mentioned here there was a concrete person, Andrei Lugovoy, who has been accused of brining polonium. How did that story end?

**AL** The story ended with me and Dmitry Kovtun being accused of the poisoning murder of Litvinenko and at a certain moment Theresa May, she was the UK Home Secretary at the time, decided to classify all case materials saying that public access to these materials including lawyers and those involved in the inquiry would undermine national security of Great Britain. At this the case ended. Later in 2016 there appeared, sorry for the expression, a clownish ex-judge who allegedly conducted a public inquiry where all his statements were based exclusively on suppositions and guesswork, where they accuse our state of ordering it and

36:46 the two of us carrying it out. By the way, Vyacheslav Sokolenko happened to be there at the CSKA-Arsenal match but he, thanks God, escaped the misfortune.

**DB** That is, you could also be on the list.

**AL** They questioned him.

**DB** Andrey points at you now.

**VS** Let me tell this story from a different angle, which is not well known. Just three months before these events with Litvinenko I invited Andrey to a football match. We travelled in a large group with friends...

**AL** Kids.

**VS** With kids to see the match. After that they found polonium at the Emirates stadium where CSKA played with Arsenal. And what's interesting, they initially accused CSKA fans that they may be complicit in Litvinenko poisoning. The level of madness was such that our fans decided to respond in their own way and produced a T-shirt with inscription "Polonium – 210" and the CSKA emblem with the radiation icon replacing the ball. The inscription went "London-Hamburg" – since they found polonium also in Hamburg – "To Be Continued" and in the back "CSKA-Moscow. Nuclear death is at your doors". The shirt sold out!

**DB** Who was not amused by this whole episode was the family of Alexander Litvinenko. What are they thinking after all these years about the poisoning and those responsible? Let's ask them. *[Applause, as Walter and Maxim Litvinenko enter, WL shakes hands with AL]* Right now the brother and the father of Alexander came to our show. Let us greet them. Good evening, an interesting detail: Walter Alexandrovich and Maxim greet Andrey Lugovoy. How can you do it so easily? With someone who according to the British is the poisoner? The murderer?

**WL** He is no murderer. I was at the hospital as Sasha lay in his bed. I was there right before his death. He died on my hands. I think he was poisoned several times. Not one time. Even in the hospital they kept poisoning him that's what I believe.

**DB** My gosh!

**WL** I came to the hospital three days before he died I was there all the time, I talked to him. I was present when they tried to revive him. Of course as a doctor I knew it was very serious. Take a look, he is completely bald. On the other hand as a father I hoped, it was London after all... the hospital... that they might save him. First they said it was food poisoning, then they found Thallium, he lost his hair and they said it was Thallium.

40:00 **AT** When you saw him did they give you any protective gear? Or you wore your regular clothes?

**WL** Regular clothes only, you know those knit socks.

**MS** Can you say did he have any internal burns?

**WL** Yes, yes, precisely. When I was later thinking I thought if it were polonium he wouldn't have lived for three days.

**DB** Even with Thallium, hair loss. We can see some hair on his chest.

**WL** That was Polonium-210

**Unidentified** It would've burned his oesophagus if it were Polonium.

**WL** Yes it would be all burnt. That hospital was like a revolving door. Anyone could walk in easily

**DB** You said you think he was poisoned several times also in the hospital. By whom?

**WL** First they said food poisoning, then thallium. And then when he was already dead, when he died they were still thinking thallium. Then half an hour later they came running wearing masks, gas masks and said Polonium-210. From then on it was polonium.

**DB** So what do you think, who could benefit from all that?

**WL** You know on the next day a huge crowd gathered. Many people were there, a kind of rally. I am standing there, Goldfarb is standing, Akhmed Zakayev too. Boris Berezovsky and lots of people. I spoke. I was very upset and I said here in London a strike on my son happened, they struck his heart with radioactive agent, a new kind of radiation, a bomb ... And Goldfarb hits me like this in the ribs. That is, I said something too early that was not yet

42:11 useful to them and then after that rally we come in. Goldfarb's wife is sitting there, a young girl sitting on the bed, crying, weeping: "Walter, Walter. Alex killed Alexander". Who knows English they understand what I said. Alex is

Goldfarb, she openly told me that Goldfarb killed. "Walter, Walter" - that is me, Walter.

**DB** So you believe an associate of Boris Berezovsky killed your son?

**WL** Goldfarb! While Sasha was at hospital he flew to the USA three times. I come to Akhmed and say "Akhmed what is this?" And Akhmed says "Listen he is CIA". Alex is. That is he was interested in raising this outcry, all that dirt which they are throwing also today on Putin, they are sitting there rejoicing. That Alex Goldfarb, that same Akhmed saying "Now Putin will never rise back. This is the end of him! We've torn him to pieces!"

**DB** Who said that?

**WL** Alex, Goldfarb

**DB** Alexander Goldfarb

**AK** An incredible account of a man who for three days sat at Litvinenko's deathbed. We heard your monologue. Absolutely sensational. Would anybody in the world, BBC, CNN, anyone request this tape and show what you said today, your testimony especially you naming Goldfarb. Berezovsky's right hand, who is actually an agent, a member of the American Central Intelligence Agency, and here is your present monologue, which no one except us in Russia, no one in the world wants to hear! (Applause).

**WL** Here is what I'll say. This calamity taking place in Europe that dirt has been spreading from there all these years, targeting us, targeting Vladimir Vladimirovich. Putin, for whom I've voted by the way in Italy I voted for him. [Applause] I'll tell you straight we should be now helping him. What I've just said this should have been known before they have poisoned those guys. That man, surely he was a spy, a scoundrel, but he is a human being.

**45:00** After all, he had been punished in his time and they released him so there was no reason to poison! Who had the right to poison? And by the way she is a Russian citizen she must be helped now.

**DB** What is also very interesting in what Walter Alexandrovich just said, for a few days he was near Alexander Litvinenko. As we heard from British security services and authorities, polonium-210 is a super toxic thing. So Walter Alexandrovich should be glowing now, but he said no one checked him. Is that possible?

**AK** Did they give you a gas mask like those doctors had?

**WL** There was no gas mask

**MS** Had Litvinenko really been poisoned by Polonium as the witness described the circumstances. There should have been scores of corpses there, dozens of dead people.

**AK** Take note, you slept...

**WL** When I arrived in London where did they put me? In Sasha's bed. Sasha was in hospital and I in his bed. By the way they are saying he is the poisoner [pats AL on knee]— ha ha. Meaning they walked around London spilling polonium including on themselves. Sasha was all covered with polonium not to mention the tea they gave him or that thing. Sushi Sushi which he had..

**AL** At Itsu Sushi bar with Scaramella

**WL** Scarmella. Yes they dragged that poor Scarmella out

**AL** Scaramella

**WL** An Italian...The Italian they put in a hospital. Totally idiotic. Their police force is non-existent!

**AK** This is not idiotic. Sorry to interrupt. Walter Alexandrovich...

**WL** Then it's malice. Idiotic or malicious!

**AK** The blame is on us the journalists, how foolish we've been. No one thought of, I did not think of calling you and inviting you for an interview. Had your story been aired on Channel One Skripal would have been alive today.

**DB** What, Skripal has died? - Nobody knows that? He is in a coma. Is Sergei Skripal alive? The question troubling the world press. After a short break we will go back to Britain. Stay with us.[break]

47:20 **DB** Good evening to everyone again. I am Dmitry Borisov. Today in "Let Them Talk" we discuss the sensation of the recent days in Britain. The poisoning of Sergei Skripal and his daughter. In this context everyone remembers the poisoning of Alexander Litvinenko in Britain. His father Walther Alexandrovich in this studio is sitting next to Andrey Lugovoy who had been named the murderer of Alexander Litvinenko. So Walter Alexandrovich said he considers CIA complicit in the murder of Alexander Litvinenko and you even said you know who specifically did it?

**WL** Yes Goldfarb. It was his work

**DB** And you know that it was Alexander Goldfarb, an associate of Boris Berezovsky from what you've heard from Alexander's own wife.

**WL** Yes the wife. She told me about that. And a month later she herself died suddenly...

**Unidentified guest.** She died suddenly.

**Unidentified guest.** Was she a young woman?

48:19 **WL** 28 years old. She was very young. I am so sorry for her. That's how it started. Then it went on and on. Also Berezovsky. The death of Boris Berezovsky brings about many questions.

**DB** During the break we were joined by his associates: lawyer Andrei Borovkov and the writer Zoya Boguslavskaya. The official version of Boris Berezovsky's death was suicide but those who knew Boris Berezovsky's say it's impossible. His love of life; his activism. What theory do you support?

**AB** Anything but suicide. He was indeed a vivacious life loving man, lots of energy. To imagine that such a man all of a sudden puts his head in the noose. I honestly can't.

**DB** Zoya Borisovna do you also disagree with the official version of suicide? Regarding his death,

**ZB** I have a view probably different from everyone else's. I think he was killed at his own request.

**DB** My gosh!

**WL** And they broke his ribs at his own request?

**ZB** No he was asking to be killed.

**DB** Andrey you knew Boris Berezovsky when you worked...

**WL** No. Did they break Berezovsky's ribs at his request?



**DB** Boris Abramovich has been described as a great adventurer, an ingenious man. Your theory is of that sort, isn't it?

**ZB** I'll tell you about a phone conversation with him I spoke to him three days before it happened. He was just discharged from a nerve clinic everything had stabilized but I did not know about those letters he wrote to  
50:00 Putin asking to be let back into Russia. Saying he was sorry. These were the letters of an absolutely broken man. But he did not imagine himself without Russia. When we talked I kept saying, God, now it's all behind you. That trial. You are now out of the clinic. Fixed up. And he said "That's not the point Zoya. The purpose of life has been lost." I said, don't say this. And literally in a few days this happened. He talked about suicide constantly. That he could not do it himself but he will make it happen.

**DB** There is a conspiracy theory that Boris Berezovsky may be alive and was preparing his friends...

**ZB** I was at the funeral...

**DB** Andrey...

**AK** On the one hand there is not a single photo of Berezovsky in his coffin. On the other hand he would never kill himself while his mother was alive. Yet on the other hand he was expecting to be killed. When I first visited Berezovsky in London I will never forget ... We set our cameras, he greeted us in his sacrosanct office. He said, please get ready they brought in some tea, but Boris has vanished. We wait 5 minutes, 10, 15, half an hour. As it turned out they were watching us through a camera to make sure I didn't put anything in his tea. But I did not come to kill Berezovsky but to ask him how he was planning to make revolution in Russia. It's a tragedy of a man who lost everything a personal tragedy of Boris Abramovich. Plus after the Andava case he and Glushkov could not enter many countries. There was a huge dacha on the Antibes, which he could not visit. Lots of things in his life truly became meaningless. He also had betted on Ukraine. He told me many times that when a "right" president comes to power, I will go to Ukraine. Be very close to Moscow. Nothing came out of it. Ukraine did not let him in. I was the first to say there was no photo, his mother, everything, that strange funeral. I imagined him alive with changed identity. I didn't believe he was killed but Sasha Dobrovinsky, the lawyer, has those text messages. Pity he could not come. The bodyguard who found Berezovsky was firing out messages: "Sasha he is hanging! Sasha what should I do? Sasha, he fell! Sasha they'll blame it on me. What should I do? Tell me as a lawyer" and so on. Those hysterics could not be faked. In the final count Boris Abramovich committed suicide. He is dead. That is what I think

**DB** But from what you said earlier there is grounds for a theory that Boris Berezovsky with changed appearance is alive in Ukraine.

**AK** That's too much!

**DB** Galina Evgenievna. How about this scenario?

**GZ** I don't think Ukraine. This is the second most dangerous place after Somalia probably, But after listening to all accounts of Berezovsky's death and knowing Berezovsky as a born adventurer, a man capable of faking his



own death and funeral, I can believe that he changed his looks and is watching us and taking pleasure. I do not believe he went to Ukraine because those forces he counted upon, the orange camp, Orange revolution. By the way that revolution in which Berezovsky invested was also based on a poisoning, that was Yushenko. When his PR people saw the effect of Botox or other cosmetic treatments on his face and hands they concocted a legend that he was poisoned and this played very well during the elections because people felt sorry for him - poor soul – that's how he won the elections of 2005.

**DB** You do not believe in the poisoning of Victor Yushenko? One minute! Do you believe in the poisoning of Sergei Skripal?

**GZ** I believe these are episodes from the same TV series. There is a team at work which stages these scripts which they themselves compose and then  
55:00 bring to life. I want to emphasize: in the poisoning of both Yushenko and Skripal a meal of sushi is featured, a so-called fish is given in the form of sushi causing a food poisoning that has the same symptoms..

**DB** And finally, the main question that everyone asks: Where are Sergei Skripal and his daughter Yulia now? This we are likely to find out in the next episode of, using the words of Galina, this TV series. In half an hour on Channel One is the next episode of "Golden Horde". Today's news will be reviewed on Channel One's "Vremya." I am Dimitry Borisov in "Let Them Talk".

## **Program 2.**

3/30/2018. Channel One “Man and Law”. Transcript from 16:45 to 24:45

### **Participants:**

**AL - Andrey Lugovoy, Duma deputy**

**NA - Narrator**

**SL - Sergei Lavrov, Russia’s Foreign Minister**

**AA - Alexander Asafov, political scientist**

**WL - Walter Litvinenko**

**RE - Reporter**

**NK - Nikolai Kovalev, former FSB Director**

**ALit - Alexander Litvinenko**



**DG - Dmitry Gladyshev, Expert**

Time

- 16:45 **AL** The deaths we head in Britain: Litvinenko, Berezovsky  
**NA** [off screen] Glushkov  
**AL** Glushkov, Patarkatsishvili, there is a question about him, but well, Patarkatsishvili, Perepelichny, Skripal, six people, and all these cases have been classified.  
**NA** [recorded film] The war of worlds. More than 20 European countries announced expulsion of Russian diplomats. US are expelling 60 members of Russian diplomatic missions and are closing Consulate General in Seattle. Moscow responds.  
**SL** [news footage] Mirroring measures will be taken, including expulsion of the same number of diplomats, and they also include our decision to recall agreement on the work of US Consulate General in Sankt Petersburg  
**NA** [recorded film] Britain accuses Russia of poisoning of the ex-spy Sergei Skripal and calls it one of the main threats to the whole of Europe.  
**AA** Russia stands accused of a horrific attempt to deploy secret Soviet military technologies on the territory of United Kingdom, which only thanks to the courage and bravery of English police did not lead to massive deaths.
- 17:55 **NA** [recorded film] With all these outrageous accusations they did not even hear in the West - or did not want to hear - a sensational news: the father of fugitive Lt. Colonel of FSB Alexander Litvinenko who in 2006 was poisoned with Polonium, named the murderer of his son.  
**WL** [interview] Lugovoy had nothing to do with it. And Scaramella had nothing to do with it.  
**RE** And who had?  
**WL** So far I think there is only one who had, Goldfarb personally. Who else?  
**NA** [recorded film] Alexander Goldfarb, an Israeli and American citizen, the head of Foundation of Civil Liberties founded by Boris Berezovsky, a former associate of George Soros. Who is he really? We combed our archives, met with the main protagonists of the Polonium story and found many threads linking the poisoning of Litvinenko with the Skripal case. Alexander
- 18:55 Litvinenko began his career in the KGB at the dawn of Perestroika. In those days there was a deficit of manpower so an ordinary lieutenant of the interior troops was accepted. The life of a new secret agent cardinally changed in 1994 after an explosion destroyed the car of Boris Berezovsky who was just beginning his ascent to power.

**NK** [interview] Boris Abramovich wrote a request for personal protection. Litvinenko took part in Berezovsky's security detail.

**NA** [recorded film] At the oligarch's they offered Litvinenko a big salary and he put his official duties at the FSB to the back burner. Early in 1998 his own colleagues started investigating him; there was information that he was involved in protection rackets. To avoid arrest, Alexander made a decisive move: he told Berezovsky that at a meeting in FSB his superiors ordered him to kill the oligarch. Boris Abramovich got frightened and called a press conference.

20:00 **ALit** [news footage] The order to kill Executive Secretary of Commonwealth Berezovsky unfortunately today is not something extraordinary in FSB.

**NA** [recorded film] Thus Litvinenko ended his service at the FSB and about a year later defected to London. Alexander made his living by helping Russia's traitors to move to England. He also introduced British business people to Russia and took a percentage. On the 1 of November 2006 Litvinenko met Andrey Lugovoy at the bar of the Millennium Hotel. They briefly discussed a would-be deal with a London firm providing security services. After that meeting Litvinenko was put in a hospital with food poisoning. A few days later doctors announced they found Thallium in his organism.

**DG** [interview] Thallium is a toxic substance. The symptoms are similar to those found in Litvinenko, a gradual failure of functions of the organism.

**RE** [interview] When did they start saying it was Polonium-210?

**WL** They started talking about Polonium half an hour after he died.

21:04 **NA** [recorded film] Scotland Yard accused Andrey Lugovoy of murdering Litvinenko, allegedly on orders of Russia's special services, which, they said, decided to eliminate their ex-colleague for collaborating with the English. Litvinenko's father has his own explanation. Alexander in fact died in his arms, but neither Walter Alexandrovich himself nor those who visited his son in the hospital during the three weeks did not get any radiation. This led the father to think that his son was poisoned already in the hospital.

**WL** [interview] He was vomiting blood; it was clear that he ingested Polonium not more than an hour or two previously. Meaning, it happened in the hospital. I understood it later, by analyzing...

**RE** Who visited him in the hospital?

**WL** Everybody. Goldfarb too.

**NA** [recorded film]: While the runaway Lt. Colonel was at the hospital Goldfarb flew to US several times. Litvinenko's father is sure that his every step he cleared at the CIA. Walter Alexandrovich is positive: Goldfarb is a

CIA agent. Here is why: few people know that shortly before his death Alexander Litvinenko converted to Islam. After he died his father discussed with Akhmed Zakayev, the fugitive Chechen general, the rules of Muslim funeral.

**WL** [interview] Goldfarb sat there and said, "They won't understand this in America". Meaning, they don't like Muslims in America. Sasha had become a Muslim but we should not advertise it, talk about it too much. I went to Akhmed and asked, "How can this be?" And he said, "What to expect of him? He is CIA. Has been CIA for a long time".

**NA** [recorded film] The fugitive Chechen general Zakayev would not speak idly. Another extraordinary situation happened in Alex's home - they called him Alex in London.

**WL** [Interview] There was a woman weeping, Goldfarb's wife. She was about your age, very pretty. She was sitting there crying, weeping: "Walter, Walter, Alex killed Alexander".

**RE** That was Goldfarb's wife?

**WL** Goldfarb's wife. She died within a month.

**NA** [recorded film] She confessed that her husband killed Alexander and herself died a month later at the age of 28. That's strange. By the way, according to some reports Goldfarb had been closely associated with the famous physicist Andrey Sakharov who designed the first Soviet hydrogen bomb. Some sources say Goldfarb was his interpreter, others, his secretary.

**AL** [interview] When he lived in the Soviet Union, Goldfarb was professionally involved in nuclear physics. This, of course, makes one think that when the media and others started talking about Polonium-210, this could well have been his idea and probably his practical doing.

**NA** [recorded film] So Litvinenko's father's theory is this: Alexander was poisoned by the CIA together with MI-5 and MI-6 in order to discredit Russia. It was done by the hands of Alex Goldfarb. He administered Polonium at the hospital. As for Lugovoy, they contaminated him later with

24:45 small doses so that he would leave Polonium trail in various places.

### **Program 3.**

4/1/2018. RT “Worlds Apart”. Transcript from 00:24 to 12:57

#### **Program participants:**

**OB - Oksana Boyko, program host**

**WL - Walter Litvinenko, guest, Alexander Litvinenko’s father**

Time

00:24 **OB** Hello and welcome to Worlds Apart. The British authorities explicitly cite the poisoning of the former FSB agent Alexander Litvinenko in London as a circumstantial evidence in the Skripal case. The Russians did it before, they will do it again. That’s the essence of the UK allegations against Russia. But doesn’t London itself have capability, intent and motive for this kind of national character assassination? Well, to discuss that I am now joined by the father of Alexander Litvinenko, Walter Litvinenko.

*[Further conversation is rendered in voiceover translation of OB and WL into English.]*

**OB** Mr Litvinenko, thank you very much for your time, thank you for coming to our program. This is going to be difficult conversation probably, so I am sorry, I apologize in advance if some of my questions might seem insensitive. As far as I know, the last days of your son, you were with him at the hospital, he basically died in your hands, in your arms, and right after that you publicly blamed Russia in his death. Who or what made you change your opinion on this issue?

**WL** The analysis. I kept analyzing this situation; I kept thinking again and again and eventually I came to a conclusion and now nothing can change my opinion. Putin would never do anything like that.

**OB** I’m sorry for interrupting but we know that your son blamed, accused Putin. There were some serious accusations. He said that Putin was behind the Russian apartment bombings, behind the 9/11 attacks in the United States. These are serious accusations. Why do you think that Russian intelligence services, or maybe politicians, could not have done something like that?

**WL** You know, perhaps some in the Russian leadership would want to do any such thing but we have one person in charge of everything and that’s the way it has always been. And it’s the same these days. The president, he is on



top of everything. And I can see he is a decent person. He doesn't do such nasty things. So, I reject all those ideas. And he is smart; he is a smart guy, he would never do something... Who is Alexander? He was just a regular agent, he loved his work. He was fighting criminals. And that was his primary job, he was going after criminals..

**OB** Well, in Putin's eyes I guess, he was a traitor?

**WL** No, he was not a traitor. Alexander was never a traitor. He could not be a traitor in Putin's eyes. Actually, Putin knew him personally. He went to Putin's office a couple of times. At least that's what he told me. I know it from him, I've heard about it. I don't know whether it's true or not. Maybe it was just his inventions. Even though I doubt it.

**OB** Well, let's not talk about Putin but your son's case because our British... many of our British colleagues say that, whether you trust Putin or not, whether you trust the British authorities, there is a chemical trace that leads through Lugovoy to the airport and then back to Moscow?

**WL** Yeah, I've heard about that. You know, that's not something that one person did. It was a group of people. Not just three people. Dozens of people involved. There were traces on the airplane, there were traces... it's stupid, they say, you go there to poison one guy... there would be traces if they were after dozen...but if they sent somebody with Polonium to poison one person... It was not Polonium immediately; first they just said he ate something and then they said it was thallium and then they said it was polonium. Polonium, they found it after he died; thirty minutes after he died they started saying it was polonium. So you know, doctors are so stupid and they never figured out what they should treat him for? I know, I am a doctor myself, I know, first you get the diagnosis right and then you offer treatment.

05:00 **OB** Your opinion about the cause of death of your son is different from what his widow Marina says. She still publicly, and I think sincerely, accuses Russian authorities...

**WL** While Marina remains in the UK she depends, she is controlled by the intelligence services in charge of this case. I could have stayed there as well but I realized that I had to leave as soon as I could because I would never survive there... for a couple of years, you know... and when I fled to Russia I told them, you have to hide me, if you can't hide me I would never go back.

05:51 **OB** I know that you personally think that his former friend Alexander Goldfarb is connected to his death? A shady character?

**WL** He is a CIA guy. It's CIA that killed my son.

**OB** What was his motive? Why are you so sure that it was him?

**WL** Motive? I think he would have left like I did. He was as smart as I am. You know, as long as you remain obedient you live; as soon as you rebel you get killed. This is what happened to Berezovsky, this is what happened to this lady who said, 'Walter, Walter, Alex killed Alexander'

**OB** You mean Goldfarb's wife. She had cancer?

**WL** No, she did not have cancer. So young...woman. They just killed her. Because she knew too much and she spoke too much. And when she was saying that, they told me she was a drug addict, and now they say she had  
07:07 cancer. They lie all the time.

**OB** But it's obvious that there are a lot of Russians in the UK who still have an axe to grind with Russia?

**WL** Just like Alexander. They're all under control. They all depend on the British authorities. And they are all on the payroll.

07:30 **OB** There is an interesting coincidence in this case. Theresa May, when she was Home Secretary, she classified the Litvinenko case, all the investigation materials, and she said it was a matter of national security. You are a family...

**WL** Sure, it was the right thing to do. Because if they actually reveal all this information... It's not just the national security. It's basically CIA that's  
08:01 involved. The Brits and the Americans, they are very close, and Israeli intelligence services as well, because Alexander went to Israel, then to Italy and then he went to London and then he was killed soon after that. There was the first attempt in October, maybe it was the beginning of the poisoning, then on November 1 he felt very sick; and they purged his stomach. If this was polonium they would have diagnosed it straight away. I am a doctor myself, I know about these things.

**OB** The British authorities say that it is such an unusual poison so nobody could even think that somebody would use it. But let's go back to...

**WL** The reason they say this was polonium is because they want to blame it all on Russia. That's what they did. I don't know, they didn't show me any documents, nothing.

**OB** This is something I would like to ask you. As a family member you have... you should have access to the documents...

**WL** I have no access whatsoever.

**OB** Have you tried to maybe take it to court? Go to some British court and ask for access to these documents? As a father, as a victim.

**WL** You know, when I was there, nobody would let me have any access, you know, they would just kick me out.

**OB** You have already mentioned the fact that there are many former Russian citizens in the UK who have strained relationship with Russian authorities?

**WL** I talked to some of these people; I can give you their names but I don't want to set them up.

**OB** What did you talk about with them? Are they scared?

10:00 **WL** Some of them blamed Putin at first and then they told me openly that this was mafia meaning Berezovsky and Goldfarb and all those people. So people who told me about that, they could not accuse CIA openly because CIA is everywhere and these people there they don't want to get killed. So it was easier for them to say mafia instead... even though Berezovsky himself was controlled by the CIA.

**OB** Many in the UK think that the British authorities did not really want this tension in the relations with Russia, so after Litvinenko's death there were no serious diplomatic push but now finally they are fed up. Why do you think they're taking these steps right now?

**WL** You know, they were looking to find something on Putin back then, as soon as he gave his speech in Munich they started trying all sorts of nasty things against Putin. When all those things happened I remember how Goldfarb and there was also Ahmed, but I don't want to talk about him...

**OB** You mean Zakaev?

**WL** Ahmed Zakaev, but I don't want to talk about him. As soon as he speaks out, you know, he wants to go back to Chechnya, they would kill him straight away. They are hostages there. They are all hostages of the US government which seeks global domination.

**OB** Mr Litvinenko, but let's go to our previous question. After Litvinenko's death, and that was a very public case, all the newspapers wrote about it, but there were no serious measures after that: no expulsion of diplomats, no financial sanctions, nothing was done. But now, even though we still don't know what happened to the Skripals there are serious measures that are being taken. You personally, how do you explain this absence of serious measures back then and the steps that the government is taking now?

**WL** These stories about what these British services do... they try to do something against Russia but what can they do? So they only can expell our diplomats but actually they are scared, they are afraid of Russia. Well, if you are afraid of Russia be human. We don't want anything. We are not imposing anything... You know, all those new weapons, it's just we don't want anybody to make jokes about us...

12:57 **OB** Well, we have to take a very short break now but we will br back in just a few moments. Stay tuned.

## **Program 4.**

4/4/2018. Channel One "Let Them Talk". Transcript from 32:43 to 54:06.

### **Program participants:**

**DB - Dmitry Borisov, program host**

**AL - Andrey Lugovoy, Duma deputy**

**DG - Dmitry Gladyshev, expert on poisons**

**MS - Maxim Shingarkin, public activist**

**WL - Walter Litvinenko**

**OL - Oleg Lurie, journalist**

**VS - Victoria Skripal**

**DK - Dmitry Kovtun**

**AK - Andrei Karaulov, Channel One contributor**

### **Time**

- 32:43 **DB** This is "Let Them Talk". Good evening everyone. I am Dmitry Borisov. Today again we discuss the poisoning case of Sergei Skripal, the ex-spy and his daughter Yulia. Theories multiply like mushrooms after the rain and in the process it turned out the ex-spy while in Britain, could get close to the crowd around Boris Berezovsky who had long lived in London. This group reportedly had included Alexander Litvinenko and a long time associate of Berezovsky Alex Goldfarb. The murder of Litvinenko, the mysterious death of Boris Berezovsky and the poisoning of Sergei Skripal could be links in the same chain as was indirectly asserted by Walter Litvinenko the father of the late agent. On the previous show he said he believes the probable murderer of his son was Goldfarb who, he said, could be a CIA agent. So whose path in reality could the ex-spy Sergei Skripal cross? Or perhaps the actual target was his daughter and if so why only she is out of coma? Before the break we talked about what was also discussed last time, namely that Sergei Skripal was a link in the same chain with the poisoning of Alexander Litvinenko. A sensational statement was made on the last program by Walter Alexandrovich, the father of
- 34:09 Alexander Litvinenko. We'll ask if that version was a surprise to Andrey Lugovoy whom the British authorities accuse of complicity in this murder. Good evening.
- AL** Yes, good evening.
- DB**
- Of course Walter Litvinenko...
- AL** Today it's more fun...
- 34:38 **DB** More fun with Victoria who insists... So, look here, you heard everything that Walter Litvinenko said on our program. No one was prepared for that version. It truly became one of the most discussed news, at least in our country. Did it surprise you?
- AL** Regarding Goldfarb?
- DB** Regarding...

35:00 **AL** No, it did not surprise me. We aired this version 12 years ago when the events happened. We discussed several versions very thoroughly including the role of Berezovsky's people. The main version was that in the case of Litvinenko the interests of both Berezovsky and secret services were affected. And of Berezovsky's  
 35:10 circle. By contrast, in the case of Skripal I think the top leadership of UK was involved from the start. You know when I've reflected on my own fate - because of the Litvinenko case I am a wanted man, I cannot leave the territory of Russia - I was thinking how and where this would end? It may sound cynical but not in my wildest dreams could I imagine a situation like this, which, in the eyes of all doubters, vindicates us by 100%, exonerates myself and my friend Dimitry Kovtun. By all our actions during about six years we demonstrated that we are open to dialogue, we hired British lawyers, but when the Brits realized that we'd finally get access to the case files Theresa May classified everything.

**DB** Lets get back to Sergei Skripal...

**AL** I am trying to see an analogy with my own experience. When this misfortune happened to Skripal I woke up in the morning and saw about 20 unanswered calls from Britain, English phone numbers that is. If it were an ordinary event and they were trying to find out it could not have happened within 24 hours that the whole media machine of Great Britain jumped upon me with questions and ready analogies. This whole story is being run, managed, and coordinated as a singular system, a single organism. Specific recommendations to the topmost British media have been issued and they went running to carry out the orders. Period. A provocation. Action of the British side. Consent from the UK top leadership. Involvement of the Secret service. All of that is absolutely clear to me.

**DB** But still, on the one hand parallels are drawn but on the other the two substances are different. Dmitry, Polonium there and Novichok here?

**DG** The pattern is similar. The available data about the poisonings indicate that both the investigations and the court hearings are being rigged. Because in the normal process of inquiry into poisonings, the causative agent remains unknown for three or four days. If we speak about Litvinenko, he did not have a chance to survive because he got Polonium. Skripal wouldn't have survived had they not given him the antidote. But an antidote can be given only after the agent has been established...

**MS** I want to say something about Polonium. We should be clear Polonium is something that's being claimed by the British secret services. But if you have a task: Suppose somewhere in this room there is Polonium. To find the exact spot would be extremely difficult. You have to take individual swabs from every two-centimeter site, collect 2 million samples, as there will be 2 million sites here, and only one will show where Polonium was...

**DB** But if it's true what they say in Britain, we have here in the studio at least one man who was near Polonium. This is Walter Litvinenko, the father of Alexander Litvinenko who came here again to tell us about the impact of his sensational interview on our last program. Good evening, thank you for coming again.

**WL** Hello.

**DB** Walter Alexandrovich, have many journalists contacted you for comment after you said here things that you had not say before?

**WL** Many. There were people from St. Petersburg.

**DB** As Oleg asks, were these Russian media or Western media too?

**WL** Only Russian, I would not speak with the foreign...

**OL** No point talking to Western...

**WL** I heard what was said here about Skripal. If he was poisoned by the British it is not really known if Novichok was there in the first place. Maybe it was simple chloroform. Or maybe they are not in the hospital now but in jail.

**Unidentified voice** I totally agree.

**DB** That has been suggested.

**WL** And there they show them, so to say, a big fist and tell them: either you'll never  
40:00 leave here alive, or you say what we want. And right now when you sit here... I like you, you are a very active woman...

**VS** Thank you.

**WL** I mean you are very much needed there... in UK. You should be there and demand to be let to visit that girl. I am sorry for that girl. She will die there. They'll poison her like they poisoned my son. They've poisoned him three times in the hospital. This might be a common poison or something else. In the final count it is very serious. The English are very dangerous to deal with, I learned. Right now almost half a million of our citizens are hostages there. Hostages! Anyone of them can tomorrow end up like Skripal?

40:56 **DB** Walter Alexandrovich, on our last show you came out and greeted and practically embraced Andrey Lugovoy who you think is absolutely uninvolved in the case. What would you say about Dmitry Kovtun?

**WL** They were all together. Sokolenko, Dmitry Kovtun, them all were together.

**DB** If he shows up in this studio, will you greet Dmitry Kovtun?

**WL** Why not?

**DB** Dmitry Kovtun is here. Greetings. Let's ask him about this old case in which he also has been accused, and the present case of Sergei Skripal.

**DK** Hello!

**WL** Hello!

**DB** Good evening Dmitry! I know that when our editors talked to you about the version that Alexander Goldfarb could be complicit in the murder of Alexander Litvinenko you put forward a rather sensational supposition regarding the possible relationship of Alexander Goldfarb and...

**DK** ...the former wife of Alexander you mean?

**DB** ... and Marina Litvinenko.

**DK** Well, from the first days after Litvinenko's death Goldfarb was near her we saw them together all the time, they wrote a book together, they prepared for the hearings together and all those statements she made during Public Inquiry makes one think that she is of course under someone's influence and does not make her own decisions.

**DB** So you think she is under Goldfarb's influence?

42:28 **DK** I think yes.

**MS** Colleagues, let's dot the i's in this matter. Berezovsky said many times that he knows some weapons grade plutonium went missing in Russia. At the time, Berezovsky had a plan to show to the global community Plutonium allegedly originating from Russia to prove a point that Russian Federation cannot secure its nuclear weapons. Some of these materials landed in the hands of Litvinenko and he, knowingly or not, got a radiation dose. He suspected that something went wrong with him and he talked about it. But we should understand that Litvinenko himself did not know what happened. But people who managed Berezovsky and his plan to accuse Russia, knew. Therefore when they had a situation they needed to get rid of



Litvinenko, which they did. They claimed it was Polonium, which is impossible to detect by usual methods. Moreover after five years, if there was Polonium there nothing could be found at all, because all of it has decayed. The totality of material demonstrates that under the control of British secret services, their recruited an agent, the fugitive oligarch Berezovsky, who handled radioactive material on the British territory. This is the gravest indictment of Theresa May who at the time virtually controlled all secret services of Britain, as well as a violation of international agreements on handling nuclear materials, and a violation of the international agreement against nuclear terrorism.

**WL** I have a question.

**DB** Walter Alexandrovich.

**WL** How did Alexander Litvenenko get himself irradiated?

**MS** He was irradiated not by Polonium. They gave him a sample. He opened the sample and passed it to Berezovsky That was why Berezovsky's car was contaminated. Where did this sample go? Berezovsky was killed so that he would never tell where that sample went.

**DB** And here again we came to the question what happened to Boris Berezovsky. We will look into that after a short break. This is Let Them Talk. Stay with us.

[break]

45:00 **DB** This is Let Them Talk. Good evening to all, I am Dmitry Borisov. Today we again are trying to sort out the poisoning case of ex-spy Sergei Skripal and his daughter Yulia.

**[Recorded film]** It's been a month since the incident in Salisbury. One would think it's enough for the investigation in an era when CC cameras cover nearly every meter of any city. But the impression is that the more time passes the less evidence remains. While the British government is loudly accusing Russia British own experts confess they are not sure where the Novichok gas came from if at all. Scotland Yard promises to reexamine all mysterious deaths in Britain but there have been no movement. But if you listen to the family of Alexander Litvinenko who was poisoned earlier most threads lead to Boris Berezovsky who himself could be a murder victim. The fugitive oligarch who lived in London since 2000 surrounded himself with all kinds of people including possibly agents and double agents of various secret services. Years have passed since another Soviet defector, scientist Vladimir Artemovich Pasechnik died near Salisbury. Then happened the poisoning of Berezovsky's acquaintance, the ex-KGB agent Alexander Litvinenko. The oligarch himself was found dead five years ago and just recently, in mid-March, died of his closest aides Nikolai Glushkov. Could that be a tradecraft of British secret services? Today in our studios are journalists who conducted their own investigation. How it can be that Alex Goldfarb whom Walter Litvinenko blames in his son's death keeps warm relations with the widow of poisoned Alexander and what linked Boris Berezovsky to Sergei Skripal? Just before the break, one more version of Alexander Litvinenko's murder was offered by Dmitry Kovtun who also had featured in the British criminal case. I want you Dmitry to repeat it. So, Alexander Goldfarb whom Walter Alexandrovich thinks is complicit in his son's murder, according to you was in a kind of warm relationship with Marina Litvinenko.

46:33

**DK** He is still in a kind of warm relationship with Marina Litvinenko.

**DB** You said she is influenced by him.

**DK** I said he influences her in a certain way directs her.



**DB** How?

**DK** He formulates her position her opinions, convinces her to make false statement in the Public Inquiry hearings, for example. And she does that. She is making absolutely ill-advised, easily disprovable...

**DB** Why does she listen to him?

**DK** Probably because he in some way commands her respect.

**DB** Respect, or...?

47:45 **DK** Respect, maybe more by now, I don't...

**VS** I want to say that on the third day after what happened BBC wrote to me that Marina Litvinenko agreed to help me in any way, that she understands my feelings since she has been in a similar situation; they gave me her phone number, numbers of her lawyers in England and said that if I come to England I can contact her directly and she will help me in any way.

**DB** Now I suspect Andrey Karaulov will say Marina Litvinenko does not want to miss your arrival.

**AK** You guessed almost right. I want to say something more dramatic: on the third day BBC offers help of Litvinenko via BBC, and uncle Walter says something sensational. I thought that the journalists of the world press based in Moscow would comment your words. But not a single word! Even in England independent journalists published more that a 100 blogs and articles saying it was unexpected, how can we not trust a father, but at least in a half of them repeat like a carbon that you have been bribed by Channel One. Apparently Borisov gave you some money so that you utter nonsense about your son, bribed you and you are already a KGB, FSB agent...Berezovsky is dead but his cause lives on!

**OL** Walter Alexandrovich, have your son told you before dying that possibly he could go back or something of that sort, some ideas...

**WL** Nothing of the kind. And generally he didn't think he would die. Until the end he was telling Marina I will run yet; he enjoyed jogging; he was a Sports Master in track and field..

**OL** Sadly Berezovsky also did not think he would die and Skripal did expect to be poisoned.

**WL** Berezovsky was killed, no doubt, no way he'd...

**Unidentified** He knew a lot..

**Unidentified** Such people do not kill themselves.

**DB** You say you're sure Boris Berezovsky was killed, you're sure your son was killed, as you've said here by the Western secret services. We now know Sergei Skripal was  
50:00 poisoned. Do you think these things are connected?

**WL** You know, I will tell you, I am 99% sure Goldfarb did it. Maybe 1%, I'd give to criminals. Maybe.

**DB** And are these incidents connected?

**WL** But it would be hard for criminals to get close so I think, most likely... the closest...

**DB** But are they connected, the three strange occurrences, at least three? Are they linked together, your son, all that happened to him, Boris Berezovsky, Sergei Skripal?

**WL** Well, Boris Berezovsky could not be linked...The way he behaved with me when we met...It's impossible I think...Berezovsky was not so... He was just making money. He was not so vicious to look in the eye of a father whose son he killed and behave that way. No, I don't think so.

**AK** Do you agree it's time to dot the eyes and end the mystery? You are the survivor of your murdered son.

**WL** You see, the British have known for long that Russia has nothing to do with it, meaning Sasha's death.

**AK** Once you demand to see the medical records, first of all, the post-mortem, the official cause of death...

**WL** Will they give it to me?

**AK** Stop. There are human rights. It's a wrong question. Walter Alexandrovich, let's check it. Let us check out Theresa May, I am sorry for the expression, how she upholds human rights, or using plain Russian...

**WL** This is what they demand from us, to observe rights; themselves, they never observe any rights ever! And they are killing us because we don't have the right to life, as they think.

**AK** Do you want to go to London to see Theresa May?

**WL** No, I won't go there. I want to die of old age.

**AK** No? But will you agree to dispatch a lawyer with your letter, as a survivor... Again, you have rights, as any of us...

**WL** I don't need to prove anything. I know very well about rights..

**AK** That's not what I...

**WL** As far as the English are concerned, no rights there...They are murderers!

**AK** I agree, but again, you and you as survivors, in accord with your human rights, the conventions that everyone, including Britain have signed. And Theresa May refuses to see you, and you are left out in the street...At this point the whole world will understand! Am I right?

**Unidentified** A brilliant idea.

**AK** This woman, before the whole world, has accused our country. And when she was minister, had classified everything. Let her explain what has been classified. At least to you and you.

**DB** Victoria, after this speech, do you have a desire to go there and find out what's going on, where is your family?

**WL** Will they let us?

**DB** Victoria?

**VS** This desire never left me. You see, when this whole thing started, it started at 8 p.m. when no one yet knew, it all began in the internet, the first ones on midnight, on my page, the news agencies, the Telegraph and BBC appeared and they asked, will you go? will you go? And I said I don't know if I go or not. In our situation, as long as there is a tiny, 1% chance they are alive, we as relatives must do everything so as to do no harm. But after Boris Johnson spoke, his statement, and then Theresa May, all became clear.

**DB** I see what you mean when you say you're afraid to harm. This is your family, do what you must and keep us informed. And we will report to our viewers.

54:06

## **Program 5.**

4/10/2018. Channel One "Let Them Talk". Transcript from 27:00 to 50:53.

### **Program participants:**

**DB - Dmitry Borisov, program host**

**AL - Andrey Lugovoy, Duma deputy**

**VS - Victoria Skripal, Sergei Skripal's niece**

**AT - Alexander Treschev, attorney**

**AI - Alexander Ionov, VP of International Human Rights Foundation**

**SV - Sergei Vistretsov, Duma deputy**

**OL - Oleg Lurie, journalist**

**MI - Mikhail Ignatov, forensic expert**

**NA - Natalia, Channel One producer**

**AG - Alex Goldfarb**

**IN - Igor Nikulin, former UN biological weapons expert**

**NP - Nikolai Platoshkin, Chair of Department of Foreign Affairs and Diplomacy of MoscowSU.**

**WL - Walter Litvinenko, Alexander Litvinenko's father**

**ML - Maxim Litvinenko, Alexander Litvinenko's half-brother**

### **Time**

27:00 **DB** So, Andrey, when the Office of Prosecutor General recalled similar scenarios, they mentioned the Litvinenko story in which you've been involved, they also mentioned the attempt to assassinate Boris Berezovsky in 2003. And a name emerged there, that of a certain Vladimir Terluk

**AL** Yes, colleagues let us go back to what the Office of Prosecutor General said. They showed a key story with Terluk. Few remember it. I was peripherally involved in that story too, because British lawyers came to Moscow and took my deposition as part of the *Berezovsky vs Terluk* case. For a year I worked with them; Vladislav Reznik, the lawyer who helped me is here. So this is what that was about: in 2003, when Berezovsky arrived in London they refused to give him political asylum. My friends, he did not get it, and this was a shocking blow to him. So precisely after that, Berezovsky's collaboration with the British special services commenced, with MI-6. There was a deal, apparently. This deal involved Goldfarb - who, as we firmly believe is a member of the CIA -, Litvinenko and a certain con man, the

28:15 historian Felshtinsky. In order to create an appearance...

**DB** Just one second, there is a phone call from Great Britain... Victoria answers. What? Who is that?

**VS** Uh-hum, Lena, can you call a bit later? This is Sky News.

**DB** This is Sky News. Yes, Andrey. We are waiting for a phone call from Yulia that's why...

28:35 **AL** So in order to create an appearance of legitimacy in obtaining political asylum for Berezovsky, they needed a scandal. In the end they found a certain Terluk. He is a citizen of Kazakhstan. They got him to agree to claim that Russian special services gave him a fountain pen loaded with poisoned ink, which he was supposed to use during the second court hearing on Berezovsky's political asylum. And in a nutshell this kind of operation was carried out. As the result, Berezovsky got political asylum. I have read the testimony of Litvinenko, Goldfarb and Felshtinsky in this case, a real tearjerker. And so, in effect, the British already in those days were using stories about poisoning. Why this is a key episode? It looks they did not pay Terluk enough or something else because Terluk was released, there was nothing against him, no pen with poisoned ink was found but the political asylum has been granted. And when Litvinenko fell out with Berezovsky, who held him by not transferring the deed on the house, withholding his

30:00 salary, stopping funding the tuition of his son, I'll tell you straight: Litvinenko became a threat to Berezovsky because he could return to Russia. And quite possibly this led to what's happened to him next; we talked about it

30:12 a lot. So, British justice never tried to cooperate with Russian prosecutors office, they ignored all requests, and as I said here, we took part in the process...

**DB** Yes, this is what they said in prosecutor's office that their many requests, dozens of requests, remained unanswered.

**AL** They did not answer. Moreover we helped draft those requests, me personally together with the lawyers. Vladislav here went to London probably ten times. And at the hearings there we did request: give us the post mortem report, show where they found Polonium, the quantities, who did the analyses, what are the data; provide... by the way, there was another key player, a certain Martin who was spotted at the hospital when Litvinenko was nearing death. He used to see this Martin. Scotland Yard, you see, works along their specific lines, they are not always privy to everything, so they too were looking for Martin. They found him. Martin turned out to be a member of the British Secret Service in charge of Litvinenko's security. We demanded to see Martin so that our lawyers could question him. But no one has seen Martin up until today. And so, when they realized that we will get to the bottom of their lies, they classified the whole case.

**DB** And now, according to PGO, Vladimir Terluk, whom you've mentioned is afraid for his own life...

**AL** He is afraid because in the end of January agents of Scotland Yard, or people claiming to be from Scotland Yard, contacted him, and offered to cooperate with them. A question arises: who and why tried that, especially two months before the events with Skripal?

**DB** Yes, I will quote Terluk's complaint who says that his unwillingness to bear false witness may negatively affect his immigration status and so on...

32:08 **AL** There is one more small detail, so that you understand everything related to Goldfarb and his Foundation for Civil Liberties founded by Berezovsky. Using as a model the way Berezovsky got his asylum, Goldfarb, Felshtinsky and Litvinenko decided to set up a trade selling British citizenship. They told me - Dmitry Kovtun will confirm: guys, let's find someone in Russia who has been pursued by the law; we'll strike a deal with that person; the price will be one million dollars; he will make several harsh statements against Russian authorities, make sure he is photographed preferably as he is being detained in one of the skirmishes that we see. Then we get him over to London via a third country; he makes appropriate statements, the Foundation for Civil Liberties - it has been registered in New York - takes him under its wing; and he gets asylum.

**DB** And the Foundation for Civil Liberties is the one where Goldfarb is vice-president...

**AL** The president. As we were listening to this all, I said, how can that be, it's an obvious con, and he said, you don't realize how idiotic the British are; they believe all the crazy stuff we're telling them about Russia! Period.

(Applause).

**AT** Andrei, the most important is that they have realized several such scenarios and a number of people got immunity through them, that is, this industry has since developed and became large scale; we know that dozens of people, maybe several dozen got asylum in this way, being crooks, traitors  
33:36 and thieves...

**DB** So, does the British justice really believe this kind of stories and gives out asylum to all of them? Absolution from prosecution?

**AI** As we have seen in the last story with Skripal, he should be protected from Great Britain because the Skripal family has never said that Russia has threatened them in any way and now Victoria does not know where is Yulia, they've hid her, she maybe under pressure, the diplomats are not allowed to see her while a picture is being disseminated through the media where people in these strange chemical protection gear appear in all Western media, on the front pages, and the Western world trusts this and says, "See how bad Russia is." Britain in principle, has no other way to hang their foreign policy hook

against Russian activities so they resort to these eccentric actions. By the way, the fugitive oligarchs who fled there, the Chechen terrorists, and all kinds of gangsters, they have always fiercely criticized Russia. More importantly, they criticized not simply Russia but the Russian president, the Russian justice system, saying that they are being persecuted.

**SV** Well, if Skripal has been poisoned, why not show her to the whole world, let her tell who has poisoned her. They are afraid...

**DB** They will, not once. Oleg

**OL** She is a Russian citizen. Why no one talks about that? She has nothing to do with Great Britain, unlike her father. She is a Russian citizen who disappeared in Britain. They are trying to ship her into the USA. There are no statements from her. This is an international crime in effect.

**DB** So from what you say we may expect some statements from Yulia Skripal against Russian authorities and Moscow's policies? By the way, look, Victoria's phone is bursting with calls, British numbers as I understand, but this is not Yulia.

**Unidentified guest.** A big problem of Conservatives is that the level of liquidation is so high. That is, in case of further escalation of confrontation with the Russian Federation or something else their life will be in serious danger. A second very important point: you want to hear statements from the people who are not ready to make them...

**DB** You mean Yulia?

**Unidentified guest.** Her too. In order to make the right statement, for example, she should be able to fully describe her day. And if at the moment her investigator is not ready, if there are some inconsistencies with the principal? They will ask her if there is an open press conference why her phone was turned off. And she will have to answer because the investigators cannot. The protagonist should know why it happened. There are questions about the pets...

**DB** Look, we will now turn to Alex Goldfarb who has been mentioned by Andrei Lugovoy and who, I remind, Alexander Litvinenko's father Walter named as the possible murderer of Alexander Litvinenko. After a short break we will hear what Alex Goldfarb said in response to our questions. Stay with Channel One.

[break]

**DB** This is Let Them Talk. Good evening to everyone. I am Dmitry Borisov. Yulia Skripal has been discharged from the hospital in Salisbury and moved to some "safe place", according to British media reports which did not specify what is the safe place and how safe it really is. Victoria Skripal in our studio

can't wait for Yulia maybe getting in touch with her again; but the phone call from Great Britain never comes. Meantime in the Russian Prosecutor General Office they draw parallels between the Skripal poisoning and other resonance incidents in Britain including the murder of Alexander Litvinenko. I invite into the studio another participant of that resonance British investigation - Dmitry Kovtun. (Applause.) Good evening Dmitry. You also know first hand, like Andrei, how it feels to be in the focus of the whole world press, something that Yulia Skripal goes through right now. And Victoria too. Victoria is here and we can see how worried she is waiting for info. What's happening with Yulia we don't know. How was it for you?

**DK** It was very unexpected and very painful because when all of a sudden you wake up a famous man, and this fame is connected with some tragedy... which they link you to, this is always - especially if unexpected - this is always hard. A heavy burden of fame so to say.

**DB** Then we remember there was an investigation of the case in Britain and also another, alternative investigation in Hamburg...

**DK** Yes in Germany. Well they went on simultaneously, and the case they started against me in Hamburg in December of 2006. I was accused of illegal transportation of radionuclides. The visit to Hamburg, I remind... **DB** That is Polonium-210, used to poison...?

**DK** Yes, Polonium-210, the traces of which were on me after the first encounter with Litvinenko on October 16. We met him on 16-17 of October. After that I went to Hamburg, and they found the traces of Polonium there. Well in Germany, after three years of active investigations by the police, Bundesnachrichtendienst, that's German intelligence agency, jointly with Russian Investigative Committee, and the British special services...

**DB** Meaning German investigators were not against the participation of Russian colleagues?

**DK** No, they actively collaborated with Investigative Committee and with the British, naturally. And so in December 2009 the criminal case against me in  
40:00 Germany was dropped because no crime has been committed. (applause).

**DB** So this was the conclusion reached in Hamburg. And what was the reaction to this in London?

**DK** In London they decided to be cunning. They did not name me at first as a chief suspect - all of this went to Andrei - and they lied low. They hoped - this is what Goldfarb says; this was a special operation maybe run by Goldfarb himself - they hoped that since the criminal case against me in Germany had been dropped, I would've immediately rushed to travel abroad for a vacation, say in Turkey.



**DB** Where they could have...

**DK** They could've arrested me...

**DB** And deliver...

**DK** Yes, and deported, extradited to Great Britain.

**MI** Are you under an international arrest warrant right now?

**DK** Yes, I am on Magnitsky List, under an international warrant...

**MI** And Andrei as well? That is, with all the vagueness of the accusations, these people are restricted in their travel, the movements...

**AL** Moreover, our assets in Great Britain has been seized even though no one has ever seen those assets...

**DB** The case is kept secret, the evidence unclear, in Hamburg they say no crime has been committed, nevertheless in the lists...

**AL** One important thing as Dmitry said, there was a testimony of one incredible madman as a witness; this witness, as I understand, the Hamburg Prosecutors have discounted because they found him inadequate, whereas in London, when Robert Owen made his kind of public report, that witness became the key one. That was how British prosecutors...

41:46 **DB** Nonetheless, nothing of what you've said undermines Alexander Goldfarb's trust in the British Justice. We got in touch with him. Here is how he answered the questions of my colleague.

**NA [audio of conversation]:**

... will be taped.

**AG** Go ahead.

**NA** First question. What do you think about the poisoning of Skripal?

**AG** I think Russian special services poisoned Skripal as British authorities say. Why I think so? Because I trust British authorities and don't trust Russian authorities. The Russian authorities poisoned him and sooner or later they must be held accountable. The Brits have the evidence, they claim, and I fully trust them.

**NA** Litvinenko's father has accused you of killing his son. How do you respond to him?

**AG** I can respond: he is no father to him, he abandoned him when the boy was two years old, later he milked him, and later when Berezovsky stopped giving him money he returned to Moscow. He is worse than Lugovoy because Lugovoy at least carried out an order while the father betrayed his son for an apartment in Moscow.

**NA** When Alexander Litvinenko was in the hospital they say that you shaved him bald. What is the story? Why you did it?

**AG** I did not do it. When Alexander Litvinenko was in the hospital his hair fell out because of the action of radiation. This was confirmed by the way in an open court, all evidence is available in the Internet, anyone can see.

**DB** [studio] Alexander Goldfarb says he trusts British authorities 100%, absolutely does not trust what Russia says and if this is what Britain says, then...

**MI** What else can he say?

43:35 **IN** Nothing else could be expected from him!

**DB** Why nothing else could be expected from him?

**SV** There were elections in Russia. Russia was the only country which would not benefit from Skripal's death. So if they wanted to kill Skripal - maybe he deserves to die as a traitor - but it was not to the benefit of Russia to do this during the presidential campaign, you see? This was to the benefit only of UK and USA.

**MI** Look, in Russia no one knew who Skripal was. Only a limited number of people knew him.

44:04 **DB** Regarding Alexander Goldfarb, you, Andrei, have called him on the air a likely CIA agent, didn't you Andrei?

**AL** Well, a CIA agent, firstly Litvinenko's father said that and also I know that he had emigrated from Russia in the Soviet time and I know from his own words that in the 1990ies he was on the so-called black list, he was on the list of people whose entry into the Russian Federation was prohibited. These lists are not compiled arbitrarily, so apparently he was a threat to the security of Russian Federation.

**DB** And what do you think...

44:48 **AL** That was in the 1990ies, I emphasize!

**DB** And presently, in the 2010s, was Alexander Goldfarb in contact with Sergei Skripal?

**VS** What for?

**AL** It's hard for me...

45:00 **DB** They say that in Britain there was a... what's the word?...community of sorts where Berezovsky, Litvinenko and others who one way or another ended up in Britain with asylum...

**AL** We have heard that Marina Litvinenko seemed to offer her services to Victoria, and I think that of course this could not have happened without Goldfarb. It is not a secret that Goldfarb and Marina Litvinenko maintain close business relationship, they have several books together, and no doubt they keep moving in this direction somehow.

**DB** Has Marina Litvinenko contacted you again, Victoria?

**VS** No they gave me her phone number but I did not call...

**DB** That is, you yourself did not call, there was an offer but you did not. (Applause). So what do you think, was Goldfarb in contact with Skripal, was there any kind of link?

**NP** I would like to add to what Mr. Lugovoy said regarding the style of British intelligence. You see, they do things but leave the “wet jobs”<sup>1</sup> to the citizens of other states, those who have nothing to lose, who has already been compromised so as not to leave, as they say, a paper trail. I do not exclude in view of the fake that appeared yesterday about the murders allegedly linked to Russian officers in Syria, I by the way do not exclude that all of this has been carried out by Syrian opposition that have been sitting in London since 1980. And by the way take notice: lots of British citizens were fighting for ISIS, including the chief executioner of ISIS. So I don’t exclude...

**DB** So you think that some Syrian opposition is lobbying in London...

**NP** No, no no, I’d like to finish. Now these people have returned, they could be prosecuted and they could’ve been told that they may get leniency through committing this act. So I don’t exclude that was done by Syrians, the Syrian opposition or some other people who just in case... As with Goldfarb by the way, to be able to say it was done by Russians, or by Syrians, whereas we, the British counterintelligence, have nothing to do with it. This is their stock modus operandi just in case they are exposed.

**DB** So see, as we know by now Yulia Skripal has been discharged from the hospital. But what awaits Sergei Skripal himself, thanks to whom this whole thing started? After a short break we will be back in the studio. This is Let Them Talk. Stay with us.

[break]

**DB** This is Let Them Talk. Good evening to everyone again. I am Dmitry Borisov. Yulia Skripal has been discharged from the hospital in Salisbury. Her cousin Victoria is in our studio. Earlier the Russian Prosecutor General Office said that the Russian side has not received from Britain documents related to the death of Boris Berezovsky and its causes; the same is true for the Litvinenko case, which remains classified until today, and generally, as they said at PGO, in the case of Skripal poisoning, London follows a scenario similar to the one used in the previous cases. During commercials, Alexander Litvinenko’s father Walter Alexandrovich joined us. So, you’ve heard everything Alexander Goldfarb said about you in our interview...

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<sup>1</sup> killings

**WL** I've heard that liar. He is a liar like the whole of the CIA. Like the whole of America lies about Russia. (Applause). So he lies about me.

**DB** He said you were a bad father to Alexander Litvinenko, even that you are no father, abandoned him at the age of 2, he said...

**WL** If I can't defend myself let my son say how I cared for Sasha...

**ML** After Walter and his first wife divorced, Sasha lived in Walter's house with Walter's father until he went to military school. He lived in Nalchik, trained in track and field, went to school in Nalchik and his mother lived in Moscow. Sasha lived with his father, that is, with his grandfather...

**WL** With us.

**ML** With us. And when he already worked in Moscow he used to visit us and so on. That is, we had excellent relations. To say that Walter was a bad father, I don't know... His has been misinformed...

**DB** Misinformed or he is simply lying? (applause)

**ML** Or he is lying, but then it is very stupid...

**WL** He is a liar, he is a liar. A true slanderer.

**AT** Walter, still, Dmitri asked, did he shave your son bald in the hospital?

50:00 **ML** May I answer this question. I was in constant contact during the first days when Sasha was taken to hospital. On November 2 I spoke on the phone with him. We did try to start a business together because his dealings with Berezovsky were closing, and he said: 'Yesterday I ate something bad, but in two hours I will be at home'. This was on November 2. "I will be at home shortly, I will call you back". There was no call. On the next day he no longer picked up calls. His wife did. And when she passed the phone to him, he said, "It's something strange, Scaramella came". He did not even mention Lugovoy or anyone else. So I tried to call practically every day. I don't remember the exact date, but his wife Marina's number was answered by their live-in housekeeper, and she said that Marina cannot talk right now, a barber came and Sasha is getting a haircut.

**AT** This is important. You know why? Because 'once a liar, always a liar'. (Applause). That is why when he started lying when Dmitry put the question, (applause) it is clear that he maliciously slandered your father as well.

**ML** Apparently the housekeeper was not told what to say, she just said into the telephone what she saw.

**DB** Or she simply babbled out the truth.

50:53 **ML** I remember that conversation...